

**FIRCREST CITY COUNCIL
REGULAR MEETING AGENDA**

**TUESDAY, MAY 23, 2017
7:00 P.M.**

**COUNCIL CHAMBERS, FIRCREST CITY HALL
115 RAMSDELL STREET, FIRCREST, WA 98466**

1. **CALL TO ORDER BY PRESIDING OFFICER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PRESIDING OFFICER'S REPORT**
 - A. Presentation by South Sound Behavioral Health Coalition
5. **CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA**

(Please sign the **Public Attendance Roster/Public Hearing Sign-Up Sheet** if you wish to speak during the meeting.)
6. **COMMITTEE, COMMISSION & LIAISON REPORTS**
 - A. Water, Sewer, Storm
 - B. Street, Facilities & Equipment
 - C. Public Safety, Court
 - D. Pierce County Regional Council
7. **CONSENT CALENDAR**
 - A. Approval of Vouchers/Payroll Checks
 - B. Approval of Minutes: [May 9, 2017 Regular City Council meeting](#)
[May 15, 2017 Special City Council meeting](#)
8. **PUBLIC HEARING 7:15 P.M.**
 - A. [To receive comments on the 2018 – 2023 Six Year Transportation Improvement Program](#)
9. **UNFINISHED BUSINESS**
10. **NEW BUSINESS**
 - A. [Ordinance amending Fircrest Municipal Code Title 22 related to the sign code](#) – Planning and Building Administrator Stahlnecker
 - B. [Resolution designating Mayor Jolibois as the voting delegate for the business meeting at the 2017 Association of Washington Cities \(AWC\) Annual Conference](#) – Fircrest City Council
 - D. [Motion authorizing the Interim City Manager as the signer in the Columbia Bank Accounts](#) – Finance Director Corcoran
11. **CITY MANAGER COMMENTS**
12. **DEPARTMENT HEAD COMMENTS**
13. **COUNCILMEMBER COMMENTS**
14. **EXECUTIVE SESSION**
15. **ADJOURNMENT**

COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON AGENDA

CITY OF FIRCREST
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, MAY 9, 2017
7:00 P.M.

COUNCIL CHAMBERS
FIRCREST CITY HALL, 115 RAMSDELL STREET

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Matthew Jolibois called the regular meeting to order at 7:00 P.M. and led the Pledge of Allegiance. Councilmembers Blake Surina, Shannon Reynolds, Brett Wittner, Denny Waltier and Jason Medley were present. Councilmember Hunter T. George was absent. George arrived at 7:03 P.M.

PRESIDING OFFICER'S REPORT

Police Chief Cheesman introduced Kevin Gollinger, Fircrest's newly hired police officer, and highlighted his experiences and talents. Gollinger noted he is excited to be working for Fircrest and is looking forward to working with everyone.

Liquor License Application – Reddy 2 Go Food Store

Moved by Reynolds, seconded by Wittner, to register no objections to the liquor license application for the Reddy 2 Go Food Store.

Jolibois invited public comment. None was provided.

VOTE

Upon vote, motion carried unanimously.

CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA

The following individuals provided public comment:

Kathy Owens, 545 Forrest Park Drive; and Maureen Duckworth, 1058 Monterey Lane.

COMMITTEE, COMMISSION AND LIAISON REPORTS

Parks & Recreation

Surina highlighted efforts of the Community Center and Pool Advisory Committee regarding the surveys that were returned. Surina reported on a conversation he had with a representative of the Friends of Seattle Olmstead Parks and stated that their website includes documentation about parks plans. Surina noted that the Community Center and Pool Advisory Committee has an interest in looking at design standards for future Parks buildings. Surina stated the owner of Optimum Physical Therapy in Fircrest had approached the Parks and Recreation Director about helping with a fund raising effort to raise money to replace the big toy in Fircrest Park. Surina concluded by reiterating what was included in the Parks and Recreation Director's general update.

Shannon Zook, owner of Optimum Physical Therapy, commented about his plans to raise funds during a golfing event on July 28th and contribute those funds to Fircrest to build a new play structure in Fircrest Parks and inquired if the City would be willing to match his contribution. He concluded by suggesting that the City also look for economic grants to bolster this kind of project and reported that he would like to make this an annual event.

Parks and Recreation Grover commented about the costs associated with replacing the play structure. He stated there are possible grants for these kinds of projects and he is working and researching grants with Administrative Assistant/Grant Writer Maenhout that might be available.

Environment, Planning, Building

Medley reported on meeting with Planning and Building Administrator Stahlnecker and stated that five houses are under construction. Medley commented that there is a pending vacancy on the Planning Commission and that no applications had been received to date. Jolibois reported he had received a letter from an interested candidate and stated he would contact him and request that he fill out the necessary paperwork. Stahlnecker, in response to George, provided an overview on the Chick-fil-a application that had been received. She further responded to Surina that the preliminary site plan had been approved for the project adjacent to the Fircrest Golf Club but final applications had not yet been submitted.

Finance, IT

Reynolds stated the state reports are being finished up and will be ready for signature soon. She noted the website is almost completed and a soft start is scheduled for Thursday of this week. Reynolds reported a designated signer will be required due to the departure of the City Manager and a Resolution, if necessary, would be needed at the next regular meeting.

Administration

Wittner reported on a conversation he had this morning with City Manager Rosenblatt wherein they discussed the transition from the current City Manager to the Interim City Manager and the process of hiring a permanent City Manager as well as the City Clerk position.

CONSENT CALENDAR

Jolibois requested the City Clerk read the consent calendar as follows: approval of Voucher No. 209312 through Voucher No. 209388 in the amount of \$73,625.48; approval of Payroll Check No. 12630 through Payroll Check No. 12633 in the amount of \$6,243.94; approval of Payroll Check No. 12634 through Payroll Check No. 12639 in the amount of \$93,250.25; approval of Payroll Check No. 12640 through Payroll Check No. 12645 in the amount of \$84,436.15; approval of the April 25, 2017 regular meeting minutes; and Setting a public hearing on May 23, 2017 at 7:15 pm to receive comments on the 2018 – 2023 Six Year Transportation Improvement Program.

MOTION

Moved by Reynolds, seconded by Medley, to approve the consent calendar as read. Upon vote, motion carried unanimously.

UNFINISHED BUSINESS

Ordinance authorizing emergency expenditure of funds for matters not foreseen at the time of filing the Preliminary Budget for 2017 and not provided for in the Annual Budget for 2017

Finance Director Corcoran noted that tonight is the second reading of the budget amendment and is on for adoption tonight. She stated the amendment will provide the budget to match the actual beginning fund and ending fund balances, will provide the revenue and expenses for rollover projects from 2016 which include the RCO Tot Lot project, the web design project, and the Alameda Lift Station project. Corcoran provided a detailed overview of the funds being added and concluded by stating this is on for action tonight.

ORDINANCE NO. 1597

Moved by Reynolds, seconded by George, to adopt Ordinance No. 1597 authorizing expenditures of funds for matters not foreseen at the time of filing of the 2017 Preliminary Budget and not provided for in the Adopted 2017 Budget.

Jolibois invited public comment. None was provided.

VOTE

Upon vote, motion carried unanimously.

NEW BUSINESS

Resolution adopting the 2016 Supplement to the Year 2000 Tacoma-Pierce County Solid Waste Plan

Rosenblatt stated tonight's supplement supersedes what was done in 2008 and a letter of concurrence or resolution adopting the plan is necessary to comply with state law which will relieve the City from the requirement to produce its own plan. Rosenblatt stated the Supplement contains revised goals, recommendations, and policies to further develop the vision for solid waste management contained in the Year 2000 Plan and has a new five-year implementation strategy. Rosenblatt concluded by recommending adoption of the supplement.

RESOLUTION NO. 1478

Moved by Reynolds, seconded by Surina, to adopt Resolution No. 1478 which adopts the 2016 Supplement to the Year 2000 Tacoma-Pierce County Solid Waste Plan.

Jolibois invited public comment. None was provided.

VOTE

Upon vote, motion carried unanimously.

Resolution designating Councilmember Shannon Reynolds as the voting delegate for the business meeting at the 2017 Association of Washington Cities (AWC) Annual Conference

Reynolds requested that the item is withdrawn as she is unable to attend the conference. Jolibois asked that the item is added to the agenda for the second regular Council meeting in May and asked that any Councilmember interested in attending should contact staff prior to that date.

Resolution authorizing the City Manager to execute an agreement with Columbia Bank to provide merchant card services

Corcoran stated the agreement would be associated with Columbia Bank Merchant Card Services and would allow the City to accept credit cards at the pool, Community Center and City Hall. She noted the current focus was at the pool so that the card reader would be in place at the time the pool opens for Memorial Day weekend. Corcoran stated the costs associated would include a one-time set up fee of \$50, terminal rental of \$25 per month, monthly access and PCI compliance of \$27 per month and transaction fees. She stated the terminal in the pool would require some additional wiring and the monthly charges for the pool would only be for the months the pool is open. Corcoran indicated that some of the credit transaction fees can be passed on to the customer but the debit transaction fees cannot be passed on. Corcoran indicated that staff is recommending that the credit transaction fees at the pool be absorbed by the City at a cost of approximately \$200 to \$300 for the pool season. Corcoran stated that the transactions fees for all other credit card transactions would be passed on to the customer and would include charges at the Community Center, and Planning and Building.

RESOLUTION NO. 1479

Moved by Reynolds, seconded by George, to adopt Resolution No. 1479 authorizing the City Manager to execute an agreement with Columbia Bank to provide merchant card services.

Staff responded to Council inquiries.

The following individuals provided comment: Bonnie Blair, 521 Monterey Lane; Kathy Owens, 545 Forrest Park Drive.

VOTE

Ayes: Surina, Reynolds, Wittner, Jolibois, George and Waltier. Noes: Medley. Motion carried.

CITY MANAGER COMMENTS

Rosenblatt noted there weren't any agenda items for the upcoming study session and Jolibois reported that he had discussed this with City Clerk Keely. Rosenblatt concluded by stating that perhaps someone associated with the Community Gardens could communicate with the Eaton Family to see if some of their property on Mildred Street could be used for a Community Garden.

DEPARTMENT HEAD COMMENTS

Corcoran reiterated that someone needs to be designated as a second signer on the City's accounts, contracts, grant progress billings, etc., prior to May 26, 2017, and needs to be outside of the Finance Department to keep internal controls in place. Corcoran reported that the City Hall pool car will be delivered tomorrow and will be prepared for usability. Corcoran stated the custodian is on medical leave and she will be looking for someone to fill in while he is out, noting there is money in the budget. Corcoran concluded by stating that Stahlnecker has done a lot of the work on the website and should be given credit for all her efforts.

Stahlnecker stated the website is scheduled to go live on Thursday morning. She reported the website is user friendly, clean, and credited all that had assisted with building the website.

COUNCILMEMBER COMMENTS

Medley expressed concern that there isn't much time left for a decision to be made for the Interim City Manager.

Waltier echoed Medley's comments and noted there also needs to be a plan in place for the permanent City Manager position. Waltier stated he was going out of town for ten days and would be returning on Saturday, May 20th. He further acknowledged he won't be available for the May 23rd regular meeting and suggested that a special meeting is scheduled for Monday, May 22nd.

George suggested that due to the immediate need for an Interim City Manager, resumes should be reviewed and applicants interviewed at next week's study session, followed by a special meeting on May 22nd with an action item added to that agenda for a decision to be made on the Interim City Manager. George recommended that a professional firm is hired to assist with finding a permanent City Manager. He reported that he reached out and asked Greg Prothman from Prothman Company to provide information about their services, what their services are, and what the associated costs would be to assist in finding a permanent City Manager. George suggested asking for draft agreements from both Prothman Company and Waldron Seattle. George concluded by stating he didn't want to rush through the Interim City Manager decision. George recommended that the hiring decision for Interim City Manager is placed on the May 15th study session agenda if Council chooses to act at that time and concluded by suggested that applicants for Interim City Manager are interviewed publicly, and at the upcoming study session.

Surina expressed surprise in hearing that there were three applicants for Interim City Manager. He reported on receiving a phone call from Denny Richards, an individual interested in the Interim City Manager position, and stated that in his opinion it is a no brainer that Denny Richards should become Fircrest's Interim City Manager, as he was Fircrest's City Manager in the 1990's and knows the City.

George reported that a current City employee had sent an email today, to Council, expressing an interest in the Interim City Manager position.

Reynolds inquired if anyone saw and/or solved the riddle that was in the General Update.

Surina offered condolences to Gary Mims due to the passing of his wife, Colleen.

EXECUTIVE SESSION

Jolibois stated that Council would take a five-minute recess and convene into Executive Session at the hour of 8:35 P.M. to review Interim City Manager candidates. Jolibois stated that it is anticipated that Council would take action at the conclusion of executive session.

Council reconvened at 8:55 P.M.

Jolibois stated that the three applicants would be invited to next Monday's study session for questions and answers and a discussion on the process of potentially hiring an agency to seek out the permanent City Manager position. Jolibois stated the agenda will be posted on Friday, to include an Executive Session, with a potential job offer for Interim City Manager.

MOTION

Moved by Waltier, seconded by George, to suspend the Council rules to allow Waltier to appear at the study session telephonically.

Reynolds stated she might be late to the meeting and inquired if she could also be allowed to conference into the meeting on her cell phone.

MOTION AMENDMENT

Moved by Jolibois, seconded by George, to suspend the Council rules to allow Reynolds and George to appear at the study session telephonically.

Jolibois invited public comment. None was provided.

VOTE ON AMENDED MOTION

Jolibois invited public comment. None was provided.

Upon vote, motion carried unanimously.

ADJOURNMENT

Moved by Reynolds, seconded by Wittner, to adjourn the meeting at 8:59 P.M. Upon vote, motion carried unanimously.

Matthew Jolibois, Mayor

Lisa Keely, City Clerk

**CITY OF FIRCREST
SPECIAL CITY COUNCIL MEETING MINUTES**

May 15, 2017

COUNCIL CHAMBERS

6:00 P.M.

FIRCREST CITY HALL, 115 RAMSDELL STREET

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Matthew Jolibois called the special meeting to order at 6:00 P.M. and led the pledge of allegiance. Councilmembers Blake Surina, Shannon Reynolds, Brett Wittner, Hunter T. George and Jason Medley were present. Councilmember Denny Waltier was attending telephonically.

General discussion of hiring process for Interim City Manager

There was a general discussion regarding the hiring process moving forward to hire an Interim City Manager.

Interview of Interim City Manager applicants

Applicants Dennis R. Richards and David W. Johnson were interviewed and responded to Council inquiries.

Agenda Modifications

Jolibois requested that Council convene into Executive Session to discuss the qualifications of both applicants.

There was consensus that the discussion takes place in public and not in Executive Session.

Evaluation of the qualifications of applicants for public employment

Councilmembers expressed opinions and comments about the qualifications of Dennis R. Richards and David W. Johnson.

Resolution authorizing the Mayor to execute an agreement for Interim City Manager services – Personnel Officer Keely

Keely stated that Council was provided a copy of the agreement with Prothman Company and a Resolution that if adopted, would authorize the Mayor to sign an agreement with Prothman Company to provide Interim City Manager services. She stated the term of the agreement is ongoing but can be terminated at any time. Keely concluded by noting that the fees and expenses are outlined in the agreement.

RESOLUTION NO. 1480

Moved by Reynolds, seconded by Wittner, to adopt Resolution No. 1480 authorizing the Mayor to sign an Agreement with Prothman Company to provide City Manager services.

Responding to George's concern about a lack of a cap to the number of hours that can be worked, City Attorney Smith stated (1) in every contract there is an inherent assumption of good faith and fair dealing, (2) the invoice is submitted every two weeks and will be reviewed by Finance, and (3) Fircrest can terminate the agreement at any time. Smith further clarified that a Finder's Fee is to be paid only if the Interim City Manager is ultimately hired as the permanent City Manager.

Discussion ensued on the B&O taxes identified in the Prothman Company agreement and it was requested that staff review if the taxes are required to be paid by Fircrest and if language could be revised in the agreement to provide some sort of cap to the number of hours worked.

MOTION TO TABLE RESOLUTION NO. 1480

Moved by Jolibois, seconded by Reynolds, to table Resolution No. 1480 authorizing the Mayor to sign an Agreement with Prothman Company to provide City Manager services.

VOTE

Upon vote, motion carried unanimously.

ADJOURNMENT

Moved by Medley, seconded by Wittner, to adjourn at 8:12 P.M. Upon vote, motion carried unanimously.

Matthew Jolibois, Mayor

Lisa Keely, City Clerk

FIRCREST CITY COUNCIL AGENDA SUMMARY

COUNCIL MEETING DATE: May 23, 2017

SUBJECT: Public Hearing on the 2018-2023
Transportation Improvement Plan

FROM: Jerry Wakefield
Public Works Director

Reviewed by: _____ City Manager _____ Finance Director _____ City Attorney

RECOMMENDED MOTION:

None. This is a public hearing only. Adoption of the Plan will occur at a subsequent City Council meeting.

PROPOSAL:

This is a public hearing on the draft Six-Year Transportation Improvement Plan. Attached is a copy of the draft plan. At the conclusion of the public hearing, staff requests Council's deliberation and consideration of the draft Plan. Once the input of the City Council and the public has been obtained, staff will prepare the Plan for formal consideration and adoption at the next regularly scheduled City Council meeting.

FISCAL IMPACT:

None at this time. This is a planning document and therefore is not anticipated to have any significant, direct fiscal impact. The projects within the Plan have a significant fiscal impact, however, these will be evaluated separately through the budget and project review and approval processes.

ADVANTAGE:

The adoption of a Six-Year transportation Improvement Plan will ensure compliance with the requirements relative to an annual, public participatory transportation improvement planning process as dictated by State statute. This Plan will become a guidance document throughout the budgetary planning process and will also serve as the adopted priority array of projects to be completed in the future. This plan will be referenced by other jurisdictions and will be included in regional and State planning documents as well. This Plan will also provide staff with a guidance document to apply for grant opportunities and/or loans in the future as opportunities arise. This Plan can be modified at any time during the year as conditions and priorities change.

DISADVANTAGES:

None known

ALTERNATIVES:

The City Council has the authority to revise the priority ranking of any of the projects. The City Council may also add projects, delete projects, or modify projects contained within the Plan.

HISTORY:

Each year, all cities, towns and other jurisdictions are required to review and update their respective transportation improvements plans. This requirement provides the framework for jurisdictional coordination of planning documents as well as the ability to compile individual plans into regional plans for the purpose of determining State, regional and local transportation needs. Prior to the adoption of a new plan, jurisdictions are required to conduct a public hearing on this subject in an effort to include the input of the public at large. This agenda bill is intended to assist in the public hearing requirement of the adoption process.

Chapter 35.77.010 of the Revised Code of Washington (RCW) provides that each city shall annually update its Six-Year Comprehensive Transportation Program and file a copy of the adopted Program with the Secretary of the Washington State Department of Transportation (WSDOT) each year. The Program is necessary to allow cities and counties to obtain State and Federal funding. For a project to obtain funding from the State, it must appear in the agency's current Program. Because the State also disperses federal highway funds, this requirement applies to federally-funded projects as well.

RCW 35.77.010 also requires each city to specifically set forth those projects and programs of regional significance for inclusion in the transportation improvement program for that region. There are no projects included in this Program which are considered regionally significant.

The Program is based upon anticipated revenues versus desirable projects. There are always more projects than available revenues. Therefore, a primary objective of the Program is to integrate the two to produce a comprehensive, realistic program for the orderly development and maintenance of our street system.

Several important points must be considered during the review of the proposed Program. The early years of the Program are fairly definite in that it can be assumed that those projects will be constructed as scheduled, pending anticipated funding received. Projects in the later years are more flexible and may be accelerated, delayed or canceled as funding and conditions change.

It is also important to note that the adoption of the Program does not irreversibly commit the City of Fircrest to construct the projects. A project may be canceled at any time during the course of study or design. The usual reasons for canceling a project are that it is environmentally unacceptable or contrary to the best interests of the community as a whole. The Program may at any time be revised by a majority of the City Council, but only after a public hearing.

Attachment(s):

Draft 2018-2023 Transportation Improvement Plan

DRAFT

CITY OF FIRCREST

SIX-YEAR COMPREHENSIVE TRANSPORTATION IMPROVEMENT PROGRAM 2018-2023

April 28 2017

PREFACE

Chapters 35.77.010 of the Revised Code of Washington (RCW) provide that each city shall annually update its Six-Year

Comprehensive Transportation Program and, after a public hearing thereon, file a copy of the adopted Program with the Secretary of the Washington State Department of Transportation (WSDOT) by July 1 of each year. The Program is necessary to allow cities and counties to obtain State and Federal funding. For a project to obtain funding from the State, it must appear in the agency's current Program. Because the state also disperses federal highway funds, this requirement applies to federally funded projects as well.

RCW 35.77.010 also requires each city to specifically set forth those projects and programs of regional significance for inclusion in the transportation improvement plan for that region. There are no projects included in this Program which are considered regionally significant.

The Program is based upon anticipated revenues versus desirable projects. There are always more projects than available revenues. Therefore, a primary objective of the Program is to integrate the two to produce a comprehensive, realistic program for the orderly development and maintenance of our street system.

Several important points must be considered during the review of the proposed Program. The early years of the Program are fairly definite; that is, it can be assumed that those projects will be constructed as scheduled. Projects in the later years are more flexible and may be accelerated, delayed or canceled as funding and conditions change.

It is also important to note that the adoption of the Program does not irreversibly commit the City of Fircrest to construct the projects. A project may be canceled at any time during the course of study or design. The usual reasons for canceling a project are that it is environmentally unacceptable or contrary to the best interests of the community as a whole. The Program may be revised at any time by a majority of the City Council, but only after a public hearing.

GRANT APPLICATIONS AND LEVERAGING LOCAL DOLLARS

The need to leverage local dollars through grant applications is very important to the City, especially in light of the decrease in funding available for transportation related capital improvements. The intent of this Program is not only to list and program projects for funding, but to establish City Council approval to submit grant applications on those projects contained in the Program.

FUNDING SOURCES

A. Motor Vehicle Fuel Tax Funds

By law, each city receives a proportionate share of the total state motor vehicle fuel tax. Money received is a monthly allocation based on population. In the City's 2017 budget, it is anticipated that revenue received from the state gas tax for the Street Fund will be \$144,160 in FY 2017. This is the same as anticipated to be received in 2018 and therefore should be relatively accurate.

B. Federal Aid Funding Program (SAFETEA-LU)

This Federal aid program has specific requirements a project must meet to qualify for funding under the program. For a project to receive funding from this source it must compete with other public agency projects.

On August 10, 2005, President Bush signed the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A

Legacy for Users (SAFETEA-LU). Project prioritization and selection must be done by the Metropolitan Planning Organization (MPO) in areas of greater than 200,000 population. The MPO for this region (in which the City of Fircrest is located) is the Puget Sound Regional Council (PSRC).

There are a number of specific funding programs under SAFETEA-LU. These include the following:

1. STPC Surface Transportation Program - Competitive: This is a statewide competitive program.
2. STPE Surface Transportation Program - Enhancements: This is a regionally competitive program for transportation facility enhancement projects.
3. STP Surface Transportation Program: This is a regionally competitive program. This is the program from which the City received the \$753,200 grant for the 2013 Regents Boulevard grind and overlay project.

4. CMAQ Congestion Mitigation and Air Quality: This is a regionally competitive program intended for projects that significantly improve air quality.
5. Hazard Elimination System (HES): This is a statewide competitive program specifically oriented toward the elimination of hazards to the traveling public.

C. Transportation Improvement Board (TIB)

The TIB has a number of statewide competitive programs which use criteria developed by the TIB for prioritization of projects. The three TIB programs in which the City can compete are as follows:

1. UCP Urban Corridor Program. This program is for transportation projects with primary emphasis on public/private cooperation and economic development.
2. UAP Urban Arterial Program. This program is for arterial street construction with primary emphasis on safety and mobility.
This is the program from which the City received the \$558,008 grant for the 2013 Emerson Street and Orchard Street grind and overlay project.
3. SP Sidewalk Program. This program is for the improvement of pedestrian safety, and to address pedestrian system continuity and connectivity. This is the program from which the City received the \$575,252 grant for the 2016 Emerson Street Sidewalk Project.

D. City Funding Sources

Recently funds from the sale of the City's power utility have been used to fund capital projects in the City's Street Fund. There are not sufficient funds in this source to fully fund the projects included in the Six Year Program, however, the City will consistently apply for grant funding in order to use as little of this fund as possible to maintain a healthy reserve to get through tough economic times.

E. Real Estate Excise Taxes

The City can also use the Real Estate Excise Tax it receives for funding, in whole or in part, any capital project associated with the work identified in this plan.

F. Washington State Department of Transportation

Traffic Safety Near Schools Program: This program is for the improvement of safety for children traveling to and from school.

G. Surface Water Management Program:

The City's Stormwater Management Program (SWMP) pays for all drainage facilities constructed in conjunction with street improvements. The revenue from SWM is directly related to the amount of capital improvement projects constructed. Because there will be little impact to storm drainage facilities resulting from the projects proposed in the Six Year TIP, only a minor amount of funding is expected from this source.

CONSISTENCY WITH LAND USE MANAGEMENT PLAN

The State's Growth Management Act (GMA) requires local governments to develop and adopt comprehensive plans covering land use, housing, capital facilities, utilities, and transportation. These comprehensive plans must balance the demands of growth with the provision of public facilities and services and, in particular, transportation facilities and services. The City of Fircrest was required to develop and adopt a comprehensive plan that is in conformance with the requirements of the GMA.

The City of Fircrest has, as part of its Comprehensive Plan, Transportation Goals and Policies. The projects in the SixYear Comprehensive Transportation Program are intended to conform to the goals and policies within the City's Comprehensive Plan.

6- Year Transportation Improvement
Program - 2018 to 2023

Transportation Facility Improvements						
	2018	2019	2020	2021	2022	2023
Capital Appropriations						
1. Major Pavement Patching: City-Wide	50,000	50,000	50,000	50,000	50,000	50,000
2. Alameda Avenue: Regents Blvd to Columbia St./South 19th (Grind and Overlay)		230,000				
3. Alameda Avenue: Regents Blvd to Spring Street (sidewalks on one side and reconstruction roadway)	1,104,000					
4. Alameda Avenue: Spring Street to Greenway (sidewalks on one side and reconstruction of roadway)		750,000				
5. Alameda Avenue: Emerson to Rosewood Ln curb gutter sidewalk east side			450,000			
6. Alameda Avenue: 42nd to Emerson, curb gutter sidewalk west side			250,000			
7. 44th Street, 67th Ave to 62nd Ave, curb gutter and sidewalk on north side				400,000		
8. Regents: Alameda Ave. to 67th Ave., grind and overlay					750,000	
9. Emerson - Planter Strip & Sidewalk - Alameda Ave. to Woodside (south side)				380,000		
10. Emerson - Woodside to 67th- Retaining walls and entry island						400,000
11. LED Street Light Replacement	50,000	50,000	50,000			
Total Capital Appropriations	1,204,000	1,080,000	800,000	830,000	800,000	450,000

FIRCREST CITY COUNCIL AGENDA SUMMARY

COUNCIL MEETING DATE: May 23, 2017

SUBJECT: Amendments to FMC 22.26 Sign Regulations and FMC 22.98 Definitions, and Repeal of FMC 22.64.041 Signage

FROM: Angelie Stahlnecker, Planning/Building Administrator

Reviewed by: _____City Manager _____Finance Director _____City Attorney

RECOMMENDED MOTION: I move to adopt Ordinance No. _____ amending Fircrest Municipal Code Chapter 22.26 Sign Regulations, amending FMC Chapter 22.98 Definitions, repealing FMC 22.64.041

PROPOSAL:

The City of Fircrest proposes to update the City's sign regulations by amending Chapter 22.26 Sign Regulations and Chapter 22.98 Definitions, and by repealing FMC 22.64.041 Signage.

The proposed amendments (Attachment 1) borrow and adapt certain provisions from a Model Sign Code prepared in 2016 by Fircrest special land use counsel, Carol Morris for AWC in order to meet the requirements of Reed v. Town of Gilbert.

Significant changes to the sign code are identified in Attachment 2, Comparison Table.

HISTORY:

The City has initiated a review of its sign regulations, adopted in 2003, in response to the U.S. Supreme Court's decision in Reed v. Town of Gilbert (2015). The court held that a town sign code that treats various categories of signs differently based on the information they convey violates the First Amendment. The Gilbert sign code defined the categories of temporary, political, and ideological signs on the basis of their messages and then subjected each category to different restrictions such as on size, number of signs, and the permissible duration of display.

Fircrest's sign regulations, like most sign codes, rely on content to regulate various types of non-commercial signs. For example, the City's code distinguishes among real estate signs, home occupation signs, political signs and other types of signs when it regulates their size, number, location and duration. One typically has to read the content of these signs to discern their type so as to be able to properly apply the sign code. This is no longer permissible due to the Reed decision.

Staff has identified a number of sections in the current code that will need to be revised in order to become content neutral – consistent with Reed. Under Reed, the City can regulate signs in a content-neutral "time, place, or manner" approach, using such factors as:

- Location, such as commercial vs. residential locations or zoning districts;
- Size and height;

- Type of structure (for example, freestanding signs, monument signs, permanent façade signs, banner signs, and inflatable roof signs);
- Use of materials;
- Maximum number;
- Lighted vs. unlighted signage;
- Fixed message signs vs. signs with changing messages (electronic or otherwise);
- Moving parts;
- Portability (for example, A-frame or sandwich board signs).

In addition, staff has identified a number of provisions (unrelated to content) that would benefit from updating to improve clarity, simplify administration, achieve higher quality signage, reflect changes in technology and provide greater flexibility for property owners and tenants with respect to the types, sizes and locations that may be permitted. These provisions typically relate to commercial signage.

The City prepared an Environmental Checklist and issued a Determination of Nonsignificance (DNS) for the proposed critical areas amendments with a 14-day comment/appeal period that ended on January 25, 2017. The City did not receive any comments or notice of appeal. The City submitted a Notice of Proposed Amendment to the Washington State Department of Commerce on January 11, 2017. The mandatory 60-day state agency comment period ended on March 13, 2017 and no comments were received.

The Planning Commission held study sessions on November 11, 2016, December 12, 2016, and January 3, 2017. After notifying 242 commercial property and business owners, the Planning Commission conducted a public hearing on February 7, 2017 to solicit public comment on the proposed amendments to the City's sign regulations. After considering comment, the Commission continued its deliberations on the proposal to the March 7, 2017 meeting where it approved a recommendation to the City Council by a vote of 5-0 (Attachment 1).

The City Council held a public hearing on April 11, 2017.

ADVANTAGES:

The amendments are intended to:

- Respond to Reed v. Town of Gilbert by achieving content neutrality;
- Improve code clarity and simplify administration;
- Achieve more attractive and effective signage per community character and economic development goals; and
- Provide greater flexibility for commercial property owners and tenants with respect to sign types, sizes and locations that may be permitted.

DISADVANTAGES:

The amendments may:

- Increase the number of existing signs that would become legally nonconforming due to a decrease in maximum allowable height and/or revised design standards;
- Increase costs for taller freestanding (monument) signs due to more substantial framing requirements. This would not apply to signs six feet or less in height.

FISCAL IMPACT:

None.

ALTERNATIVES:

Staff has identified, in attachment 4, two amendments to the Planning Commission recommendation for the City Council to consider.

Attachments:

1. Planning Commission Resolution 17-04, including Recommended Draft Amendments in Exhibit A (redline)
2. Comparison Table
3. Ordinance
4. Staff Proposed Amendments

CITY OF FIRCREST PLANNING COMMISSION
Resolution No. 17-04

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
FIRCREST, WASHINGTON, RECOMMENDING APPROVAL OF
AMENDMENTS TO FMC 22.26 SIGN REGULATIONS AND FMC 22.98
DEFINITIONS, AND REPEAL OF FMC 22.64.041 SIGNAGE**

WHEREAS, on June 18, 2015, the US Supreme Court issued a decision in Reed v. Town of Gilbert, wherein the court held that a town sign code that treats various categories of signs differently based on the information they convey violates the First Amendment; and

WHEREAS, the City's special land use counsel has recommended the City amend its code to comply with the Supreme Court decision and ensure the City's regulations are content neutral; and

WHEREAS, on July 11, 2016, staff presented general information concerning Reed v. Town of Gilbert and the need for the City to review its existing sign regulations and amend them as necessary to comply with the US Supreme Court decision; and

WHEREAS, planning staff and consultant have reviewed the City's existing sign code, a *Model Sign Code* recently prepared by Fircrest special land use counsel, Carol Morris, and other municipal sign codes, to identify how best to respond to the US Supreme Court decision; and

WHEREAS, planning staff and consultant have identified a number of additional provisions that would benefit from updating in order to improve clarity, simplify administration, achieve more attractive and effective signage, and provide greater flexibility for property owners and tenants with respect to the sign types, sizes and locations that may be permitted; and

WHEREAS, at their regular meetings of November 1, 2016, December 6, 2016, and January 3, 2017, the Planning Commission held study sessions to review proposed amendments to the City's sign regulations and associated definitions; and

WHEREAS, the City's Responsible Official issued a proposed Preliminary Determination of Non-Significance (DNS) on January 12, 2017 with a 14-day comment period ending January 25, 2017, and no comments were received prior to the comment deadline; and

WHEREAS, the City submitted a *Notice of Intent to Adopt Amendment* to the Department of Commerce on January 11, 2017 to initiate a 60-day state agency review period ending March 10, 2017, and as of the date of this recommendation, had not received any comments;

WHEREAS, on January 12, 2017, a Notice of Public Hearing for the proposed amendments was published in the Tacoma Daily Index and mailed to owners of business located within Fircrest; and

WHEREAS, the Commission has held a public hearing on this proposal on February 7, 2017, considered public comment, reached consensus on revisions to the draft amendments, and has examined pertinent maps, drawings, and documents; and

WHEREAS, the Commission has made the following Findings of Fact and Conclusions of Law:

(a) The proposed amendments are consistent with the goals, objectives and policies of the Comprehensive Plan. Signage installed under the amended regulations will help achieve community character goals, objectives and policies by ensuring that future signage will be attractively designed, installed and maintained. The amended regulations will help achieve economic development goals, policies and objectives as expressed in the Comprehensive Plan by supporting the development and redevelopment of neighborhood commercial areas and commercial mixed use centers that are inviting to residents, employers, employees and shoppers. Signage allowed under the proposed regulations is intended to provide sufficient visibility for land uses of all types in various locations.

(b) The amended sign code will promote, rather than detract from, the public health, safety, morals and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral and nondiscriminatory sign standards and requirements. This code is intended to:

- (1) Promote and accomplish the goals, policies and objectives of the city's Comprehensive Plan and Land Development Code;
- (2) Provide minimum standards in order to safeguard life, health, property and public welfare, and promote traffic safety by controlling the design, quality of materials, construction, illumination, size, location and maintenance of sign and sign structures;
- (3) Recognize free speech rights by regulating signs in a content-neutral manner;
- (4) Promote the free flow of traffic and protect pedestrians, cyclists and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting and/or illegible signage;
- (5) Protect the beauty of the city's built environment by encouraging signs that are compatible with the architectural style, characteristics and scale of the building to which it may be attached, and to encourage signs that are compatible with adjacent buildings and businesses;
- (6) Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape;
- (7) Provide consistent sign design standards;
- (8) Encourage creative and innovative approaches to signage, and signs that are of a quality design, pleasing in appearance and appropriate in size, materials and illumination to the surrounding neighborhood;
- (9) Provide an improved visual environment for the citizens of and visitors to the city; and
- (10) Adopt clear, understandable regulations that enable the fair and consistent enforcement of the code.

THEREFORE BE IT RESOLVED that the Planning Commission of the City of Fircrest hereby recommends to the Fircrest City Council approval of the proposed amendments to FMC 22.26 Sign Regulations and FMC 22.98 Definitions, and repeal of FMC 22.64.041 Signage, attached hereto in Exhibit A.

PASSED AND ADOPTED by the Planning Commission of the City of Fircrest on the 7th day of March, 2017 by the following vote:

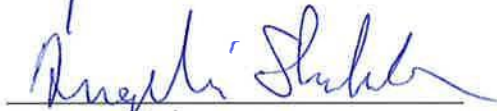
AYES: (5) McVay, Foss, Patjens, Halgren, Michaelson

NOES: (0)

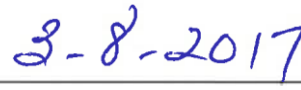
ABSENT: (0)



Karen Patjens, Planning Commission Chair



Angelie Stahlnecker
Planning/Building Administrator



Date

Exhibit A

Chapter 22.26 SIGN REGULATIONS

Sections:

- 22.26.001 Intent and purpose.
- 22.26.002 Applicability and interpretation ~~Authority.~~
- 22.26.003 Application procedures.
- 22.26.004 Permit requirements and authority.
- 22.26.005 Submittal requirements.
- 22.26.006 Master sign plans.
- 22.26.007 Variances.
- 22.26.008 Nonconforming signs.
- 22.26.009 Maintenance, removal and enforcement.
- 22.26.01007 Classification and regulation of signs.
- ~~22.26.008 Interpretation of sign allowance table.~~
- 22.26.01109 Sign standards applicable to all signs ~~General provisions.~~
- ~~22.26.010 Special provisions by zone group and sign classification.~~
- 22.26.0124 Illumination standards.
- 22.26.013 Accessory signs.
- 22.26.014 Awning, canopy and marquee signs.
- 22.26.015 Changeable copy signs.
- 22.26.016 Digital signs.
- 22.26.017 Freestanding signs.
- 22.26.018 Portable signs.
- 22.26.019 Projecting signs.
- 22.26.020 Service island signs.
- 22.26.021 Temporary signs.
- 22.26.022 Under-canopy signs.
- 22.26.023 Wall signs.
- 22.26.024 Window signs.
- ~~22.26.02542 Exemptions.~~
- ~~22.26.02643 Prohibited signs.~~
- ~~22.26.014 Nonconforming signs.~~
- ~~22.26.015 Variances.~~
- ~~22.26.016 Administrative provisions.~~
- 22.26.02747 Liability.

22.26.001 Intent and Ppurpose. SHARE

(a) Intent. Signs have a strong visual impact on the character and quality of the community. As a prominent part of the scenery, they attract or repel the viewing public and

affect the safety of motorists, cyclists and pedestrians. Their suitability or appropriateness helps to set the tone for a neighborhood. The city relies upon its scenery and physical beauty to attract commerce; aesthetic considerations assume economic value. It is the intent of the city, through this chapter, to protect and enhance the city's historic and residential character and its economic base through the provision of appropriate and aesthetic signage. In addition, it is the intent of the city to regulate the size, type and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic and enhance pedestrian and cyclist.

(b) Purpose. The purpose of this chapter is to promote the public health, safety and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral and nondiscriminatory sign standards and requirements. This chapter has also been adopted to:

- (1) Promote and accomplish the goals, policies and objectives of the city's Comprehensive Plan and Land Development Code;
- (2) Provide minimum standards in order to safeguard life, health, property and public welfare, and promote traffic safety by controlling the design, quality of materials, construction, illumination, size, location and maintenance of sign and sign structures;
- (3) Recognize free speech rights by regulating signs in a content-neutral manner;
- (4) Promote the free flow of traffic and protect pedestrians, cyclists and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting and/or illegible signage;
- (5) Protect the beauty of the city's built environment by encouraging signs that are compatible with the architectural style, characteristics and scale of the building to which it may be attached, and to encourage signs that are compatible with adjacent buildings and businesses;
- (6) Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape;
- (7) Provide consistent sign design standards;
- (8) Encourage creative and innovative approaches to signage, and signs that are of a quality design, pleasing in appearance and appropriate in size, materials and illumination to the surrounding neighborhood;
- (9) Provide an improved visual environment for the citizens of and visitors to the city; and

(10) Adopt clear, understandable regulations that enable the fair and consistent enforcement of this chapter.

~~The overall purpose of this chapter is to enhance and maintain the aesthetic character, to promote the public health, safety and general welfare, and to increase the effectiveness of visual communication in the city. This chapter is also intended to avoid visual clutter that may adversely impact traffic and pedestrian safety or that may be adverse to property values, business opportunities and the city's overall appearance. The purpose of this chapter is implemented by controlling the design, construction, location, use, maintenance and quality of materials of all sign structures. (Ord. 1322 § 1, 2003).~~

22.26.002 Applicability and interpretation Authority.

This chapter applies to all signs as defined in Chapter 22.98 FMC, within the city that are visible from any street, sidewalk or public place, regardless of the type or nature.

This chapter is not intended to, and shall not be interpreted to, restrict speech on the basis of its content, viewpoint, or message. Any classification of signs in this chapter that purports to permit speech by reason of the type of sign, identity of the sign user or otherwise, shall be interpreted to allow commercial or noncommercial speech on the sign. No part of this chapter shall be construed to favor commercial speech over non-commercial speech. To the extent that any provision of this chapter is ambiguous, the term shall be interpreted not to regulate speech on the basis of the content of the message.

~~The director may approve, approve with conditions, modify and approve with conditions, or deny an application for a sign permit. A sign permit shall be approved when the director has determined that a proposed sign will comply with all requirements of this chapter and, when applicable, the requirements of the International Building Code or Uniform Sign Code. (Ord. 1473 § 1, 2009; Ord. 1322 § 1, 2003).~~

22.26.003 Application procedures.

Sign permit review is classified as a Type II-A application. The processing procedures for this type of application are described in Chapters [22.05](#), [22.06](#), [22.07](#), [22.08](#), [22.09](#) and [22.10](#) FMC.

22.26.004 Permit requirements and approval authority.

(a) No sign shall hereafter be erected, re-erected, constructed, altered, or maintained, except as provided by this chapter. A sign permit shall be obtained prior to any sign being erected, re-erected, constructed, or altered, unless said sign is exempt from the permit requirements of this chapter pursuant to FMC 22.26.02542. In addition, a building permit shall be obtained prior to the installation or modification of any sign for which a building permit is required under the International Building Code. A separate permit shall be required for each non-

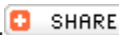
exempt sign installed, except if a sign is part of a group of signs being installed at one time on a single supporting structure, only one permit shall be required.

(b) The director may approve, approve with conditions, modify and approve with conditions, or deny an application for a sign permit. A sign permit shall be approved when the director has determined that a proposed sign will comply with all requirements of this chapter and, when applicable, the requirements of the International Building Code.

(c) Duration of a Sign Permit. In the event that a sign permit has not been exercised and the operations authorized under the sign permit have not been completed or substantially completed within 180 days after the date of the permit, the sign permit shall be automatically null and void.

(d) Interpretation. In all applications for sign permits where a matter of interpretation arises, the most restrictive definition shall prevail.

22.26.005 Submittal requirements.



Application for a sign permit shall be submitted on forms provided by the department with the following items:

- (a) Two copies of a scaled site plan showing the location of the affected lot, building(s) and sign(s);
- (b) Two copies of a scaled drawing of the proposed sign or sign revision showing dimensions, area, height, structural footing details, method of attachment, type of illumination, and other construction details;
- (c) Two copies of supporting documentation including material specifications, calculation for dead load and wind pressure, photographs or photo simulations of site and building marked to show where sign is proposed, and any other information required by the director to ensure compliance with applicable code requirements;
- (d) Written consent of the sign owner and the owner of the building, structure, or property where the sign is to be erected;

(e) A nonrefundable filing fee in accordance with the planning services fee schedule established by council resolution;

(f) Documentation demonstrating that the sign installer has a valid Washington State contractor's license when a sign requires a building permit, unless the sign is being installed by the owner of the sign.

The director may waive submission of specific plans, specifications or supporting documentation when such information is not necessary to determine compliance with applicable code requirements.

22.26.006 Master sign plans.

(a) Before a sign permit may be issued for any commercial multi-tenant building constructed after the effective date of this chapter, or for any existing multi-tenant building whose exterior will be altered to the degree that existing signage will be replaced, a master sign plan shall be submitted to, and approved by, the city. Master sign plans shall be approved through the site plan review, development plan review, or conditional use permit process, as appropriate. Existing multi-tenant buildings may have master sign plans approved by the director in order to simplify the permitting process for individual signs at a later date. Individual buildings located within a multi-building complex may have separate master sign plans.

(b) Master sign plans shall indicate the amount, location, and type of signage allocated to each tenant space. The number of sign types, such as awning signs, cabinet signs, individual graphics, pan-channel sign graphics, sandblasted or carved wood signs, flat wood signs with hand painted or vinyl graphics, and neon signs, shall be limited to ensure visual continuity from one tenant space to the next within a building. If more than one sign type is used on a single building, the sign types shall have at least two of the following design elements in common with each other:

- (1) Common colors on the background or text;
- (2) Common lettering style;
- (3) Common size (e.g., a specified height common to each sign); or
- (4) Common materials.

(c)Criteria for Approval. All signs in the master sign plan must comply with Section 22.26.004 and meet the following criteria:

- (1) Signs shall be architecturally similar and visually related to each other through the incorporation of common design elements. Up to two sign types may be used on any one building. All sign cabinets, trim caps and all sign supports such as poles and braces shall be of a common color;
- (2) Signs shall be architecturally integrated with the buildings included in the master sign plan; and
- (3) Signs must not obscure the view of other signs that are consistent with this chapter.

22.26.00715 Variances.



(a) Approval Required. A variance may be granted from the strict application of the regulations in this chapter that apply to: (1) sign placement on a parcel or building frontage; (2) sign area; or (3) sign height, as regulated in this chapter. A variance may not be granted to allow any prohibited signs as described in Section 22.26.027, or prohibited sign features, as described elsewhere in this chapter, or for any other purpose not listed in this subsection.

(b) Need for Sign Permit, Consolidation of Processing. A sign variance application may be submitted before or concurrent with the associated sign permit application. No sign permit application requiring a variance for issuance will be processed without a sign variance.

(c) A sign variance is classified as a Type III application. The processing procedures for this type of application are described in Chapters 22.05, 22.06, 22.07, 22.08, 22.09 and 22.10 FMC. In addition, Aa variance requested from any requirement in this chapter shall be processed in accordance with Chapter [22.74](#) FMC, except that the criteria for variance approval listed in FMC [22.74.003](#) shall not be used to determine whether a variance may be granted. Instead, a variance may only be approved if all of the following criteria are satisfied:

(1) The request for a sign variance is due to unusual conditions pertaining to sign visibility needs for a specific building or lot;

(2) The sign will be in keeping with the general character of the surrounding area;

(3) The sign will not create a hazard;

(4) ~~(a)~~ The granting of the variance would not be materially detrimental to the property owners in the vicinity;

~~(4)~~(5) ~~and~~ The variance sought is of minimum sign size, height, and scope to meet the conditions and needs of the applicant; ~~and~~

~~(2)~~(6) ~~(b)~~ The granting of the variance would not be contrary to the objectives of the Comprehensive Plan, Title 22 Land Development, and this chapter; ~~and~~

~~(3)~~(7) ~~(c)~~ The signage of the property in question cannot be adequately met under the literal interpretation and strict application of the chapter; and

(8) ~~(d)~~ The granting of the variance is necessary because of special circumstances relating to the property location, topography, shape and size, site distance and limited view to property.

(d) First Amendment Exception/Variance. Where an applicant can demonstrate that the strict application of the regulations in this chapter would violate his/her First Amendment rights, the city may grant a variance that does not conform to all of the variance criteria in subsection (c) above. However, the applicant shall submit an application that provides his/her response to each of the variance criteria in subsection (c). The city need not make findings that all of the variance criteria have been satisfied, but if not all criteria have been satisfied, the variance may only be granted to the extent reasonably necessary to protect the applicant's First Amendment rights. If a First Amendment Exception is granted, it shall be treated as an approval of a variance for purposes of this chapter.

22.26.00814 Nonconforming signs.

~~(a)~~ Except for temporary signs, ~~limited duration signs, and incidental signs~~, as defined herein, signs legally established prior to the adoption of this chapter that do not conform with the regulations provided herein with regard to type, number, size, height, illumination, ~~or~~ location or other characteristics ~~of signs~~ shall be allowed to remain as legal nonconforming signs until the sign is removed, moved or structurally or electrically changed, except such signs must be brought into conformance with this chapter:

- ~~(1)~~ When a building, tenant, or property containing a legal nonconforming sign is enlarged or remodeled to a value of 25 percent or more of existing assessed valuation of real property improvements;
- ~~(2)~~ When the use of a building, tenant or property containing a legal nonconforming sign changes from one type of business or other tenancy to another type of business or other tenancy;
- ~~(3)~~ When a new business or other tenancy is established after a building or property containing a legal nonconforming sign is vacated for a period exceeding 90 days; or
- ~~(4)~~ When an existing business containing a legal nonconforming sign changes ownership.

~~(b)~~ In such cases where a nonconforming sign is moved or changed, the sign shall be treated as a new sign and subject to the requirements of this chapter. Changes to a sign face (e.g., a change in advertising copy) may be made to a nonconforming sign; provided, that such changes conform to this chapter in terms of colors, graphics, materials, illumination and other applicable standards. A sign permit for such changes must be obtained.

~~(c)~~ Temporary signs, ~~limited duration signs, and incidental signs~~ that do not conform with the regulations provided herein with regard to type, number, size, height, illumination, or location of signs, shall be brought into conformance with all applicable standards no later than 90 days from the effective date of the ordinance codified in this chapter.

22.26.00916 Maintenance, Removal and Enforcement ~~Administrative provisions.~~



(a) Maintenance. It is unlawful for any owner of record, lessor, lessee, manager or other person having lawful possession or control over a building, structure or parcel of land to fail to maintain any signs on the building, structure or parcel in compliance with this chapter.

(1) Sign maintenance. All signs, whether or not in existence prior to adoption of this chapter, shall be maintained. Maintenance of a sign shall include periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the sign permit issued for its installation and provisions of this chapter.

(2) Landscape maintenance. Required landscaped areas contained by a fixed border, curbed area or other perimeter structure shall receive regular repair and maintenance. Plant materials that do not survive after installation in required landscape areas are required to be replaced within six months of the plant's demise or within the next planting season, whichever event first occurs.

(b) Removal. Any vacant and/or unused sign support structures, angle irons, sign poles or other remnants of signs that are currently not in use, or are not proposed for immediate reuse by a sign permit application for a permitted sign, shall be removed. In addition to the remedies in Chapter 22.95, the Director shall have the authority to require the repair, maintenance or removal of any sign or sign structure that has become dilapidated or represents a hazard to the safety, health or welfare of the public, at the cost of the sign and/or property owner.

(c) Enforcement. Violations of the provisions of this chapter shall be enforced according to Chapter 22.95 FMC.

(a) ~~Duration of a Sign Permit. In the event that a sign permit has not been exercised and the operations authorized under the sign permit have not been completed or substantially~~

~~completed within 180 days after the date of the permit, the sign permit shall be automatically null and void.~~

~~(b) Revocation of a Sign Permit. The director may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information or whenever the sign is in violation of any ordinance, regulation or provision of this chapter.~~

~~(c) Interpretation. In all applications for permits where a matter of interpretation arises, the most restrictive definition shall prevail. (Ord. 1322 § 1, 2003).~~

22.26.0107 Classification and regulation of signs.



(a) Classification. ~~For descriptive purposes,~~ Signs may be classified in the following general categories:

- ~~(1) Accessory signs;~~
- ~~(2) Awning, canopy and marquee signs;~~
- ~~(3) Changeable copy signs;~~
- ~~(4) Digital signs;~~
- ~~(5) Freestanding signs;~~
- ~~(6) Portable signs;~~
- ~~(7) Projecting signs;~~
- ~~(8) Service island signs;~~
- ~~(9) Temporary signs;~~
- ~~(10) Under-canopy signs;~~
- ~~(11) Wall signs; or (12) Window signs.~~

~~entry/exit/incidental, identification, limited duration, and temporary.~~

(b) Regulation by District. No classification of sign shall be permitted to be constructed, erected or placed within any zoning district on any property unless it is listed as a permitted sign within the zoning classification sign group applicable to the subject property as set forth in subsection (c) of this section ;or listed as an exemption in FMC 22.26.00922.26.025, or authorized as a classified use in this title.

(c) Zoning Classification Sign Groups. For purposes of this regulation, the various sign groups ~~zoning classifications~~ are established ~~grouped~~ as follows:

- (1) Group 1: Properties located within a PROS, GC, or other nonresidential or noncommercial zoning classification; properties located within an R-4, R-4-C, R-6, R-8, R-10-TCD, R-20, R-30, or other residential zoning classification established subsequent to adoption of this chapter that are developed for nonresidential uses such as, ~~and~~ schools, churches, parks and municipal buildings or facilities; ~~in any zone.~~
- (2) Group 2: Residentially developed properties located within an R-4, R-4-C, R-6, R-8, R-10-TCD, R-20, R-30, ~~or~~ and other residential zoning classifications established subsequent to adoption of this chapter; and-
- (3) Group 3: Properties located within an NO, NC, CMUCO, ~~CC~~, ~~or~~ and other commercial or mixed use zoning classifications established subsequent to adoption of this chapter.

(d) Table 1 identifies the permitted types of signs by sign group. An “X” in the table indicates that the particular type of sign is allowed in a sign group. See applicable standards in the section noted for each sign type for specific requirements and for possible exceptions to the provisions below.

Table 1

Sign Type	Sign Group		
	Group 1 (Non-residential and noncommercial)	Group 2 (Residential)	Group 3 (Commercial and mixed use)
Accessory	X ¹		X
Awning, canopy and marquee	X		X
Changeable copy	X		X
Digital	X		X
Freestanding	X		X
Portable	X	X ₂	X
Projecting			X
Service island			X
Temporary	X	X	X
Under-canopy			X
Wall	X	X	X
Window	X	X ₂	X

¹ Excluding large accessory signs

² Temporary only

22.26.008 Interpretation of sign allowance table.

(a) — The sign allowance table determines whether a specific sign is allowed in a zoning district or by land use activity. The zoning district or land use activity is identified in the left column and the specific sign allowances are located in the rows of the table.

(b) — If no symbol or number appears in the table box at the intersection of the column and row, the sign is not allowed in that category or is not subject to an allowance.

(c) — If a number appears in the table box at the intersection of the column and row or in the column or row heading, the sign may be allowed subject to the applicable requirement and specific conditions indicated in the table footnotes.

(d) — All applicable requirements shall govern a sign whether or not the requirements are cross-referenced in the table.

(e) — The intent of the dimensional requirements, including sign area and height, is illustrated in FMC 22.64.041, Signage.

	Type of Sign	Permit Requirement	Material Restrictions	Number of Signs	Allowable Surface Area in SF (1)	Height in Feet (2)	Setback from Adjacent Property Line (3)	Setback from ROW in Feet (3)	Other Limitations
Entry/Exit/Incidental Signs	-	-	-	-	-	-	-	-	
All zones Entry/exit sign (6)	Freestanding	Yes		1	6	4	5	0	
Incidental signs — private (16)	Wall sign	No		2	2	8	5	0	1-per building elevation and no closer than 30 feet apart
	Freestanding	No		2	6	4	5	0	No closer than 30 feet apart on a property
Incidental signs — public	Wall sign	No		8	2	8	5	0	
	Freestanding	No		2	6	4	5	0	Per property
Identification Signs	-	-	-	-	-	-	-	-	
Group 1 — PROS, GC, and schools, churches, parks, municipal buildings in any zone Tenant use/activity	Wall sign (9)	Yes	No internal illumination	1	24	20	5	0	
	Reader board	Yes		1	24	8	5	5	
	Freestanding	Yes	No internal illumination	1	24	8	5	5	Per street frontage

Park advertising copy (7)	Wall sign/banner	Yes	No illumination	2	32	10	5	0	Per facility
Group 2 — R 4, R 4 C, R 6, R 8, R 10 TCD, R 20 Individual dwelling unit Home occupation or daycare	Freestanding	No	No illumination	1	2	4	5	0	
	Window sign (11)/ nameplate	No	No illumination	1	2	8	5	0	
	Wall sign/ nameplate	No	No illumination	1	2	4	5	0	Per tenant
Residential complex/subdivision	Wall sign	Yes	No internal illumination	1	24	4	5	0	
	Freestanding	Yes	No internal illumination	2	24	4	5	0	Per entry
On-site nonresidential services	Window sign (11)	Yes	No internal illumination	1	10	8	5	0	
	Awning/marquee sign (14)	Yes	No internal illumination	1	24	8	5	0	
	Wall sign	Yes	No internal illumination	1	24	8	5	5	Per use/building
	Freestanding	Yes	No internal illumination	1	24	8	5	5	Per use/building
	Wall sign (4)	Yes		1	80	20	5	0	
	Type of Sign	Permit Requirement	Material Restrictions	Number of Signs	Allowable Surface Area in SF (1)	Height in Feet (2)	Setback from Adjacent Property Line (3)	Setback from ROW in Feet (3)	Other Limitations
Group 3 — NO, NC, CO, CC	Projecting (5)(13)(14)	Yes		1	30	10	5	0	
Single tenant building principal (1 each)	Freestanding—static	Yes		1	60	10	5	5	
	Freestanding—changing	Yes		1	60	10	5	5	
Single tenant building—secondary (2 each)	Awning/marquee sign (10)(14)	Yes		1	20	12	5	0	
	Wall sign (4)	Yes		1	20	20	5	0	
	Projecting (5)(13)(14)	Yes		1	20	20	5	0	

Single tenant building—unlimited	Reader board	Yes		1	20	10	5	0	
	Fuel price informational	No		1	2	8	5	0	
	Sandwich site (8)	No		1	6	4	5	0	
	Window sign (11)	No		NA					
Multiple tenant building—principal (1 each)	Wall sign (4)	Yes		1	80	20	5	0	
	Projecting (5)(13)(14)	Yes		1	30	20	5	0	
	Freestanding—static	Yes		1	60	10	5	5	per 150 feet frontage
	Freestanding—changing	Yes		1	60	10	5	5	per 150 feet frontage
	Freestanding in common (15)	Yes		1	80	10	5	5	in lieu of principal sign
	Fuel price informational	No		1	2	8	5	0	
Multiple tenant building—secondary (2 each)	Awning/marquee sign (10)(14)	Yes		1	20	12	5	0	2 each per tenant
	Wall sign (4)	Yes		1	20	20	5	0	
	Projecting (5)(13)(14)	Yes		1	20	20	5	10	
	Reader board	Yes		1	20	10	5	0	
	Fuel price informational	No		1	2	8	5	0	
	Sandwich site (8)	No		1	6	4	5	0	
Multiple tenant building—unlimited (15)	Window sign (11)	No		NA					

	Type of Sign	Permit Requirement	Material Restrictions	Number of Signs	Allowable Surface Area in SF (1)	Height in Feet (2)	Setback from Adjacent Property Line (3)	Setback from ROW in Feet (3)	Other Limitations
Accessory business structures (17)	Wall sign	Yes		1	20	8	5	5	
Limited Duration Sign - - - - - - - -									
Undeveloped property									
Residential zones	Freestanding	No	Durable	1	24	8	10	0	15 days after closing
Commercial zones	Freestanding	No	Durable	1	24	8	5	0	15 days after closing
Construction	Wall sign	No	Durable	1	24	8	5	0	during construction
	Freestanding	No	Durable	1	24	8	5	0	during construction
Real estate sales/rentals Residential zones	Window sign	No	Durable	1	2	8	5	0	15 days after closing
	Freestanding (8)	No	Durable	1	6	4	5	0	15 days after closing
Commercial zones (12)	Window sign	No	Durable	1	24	8	5	0	15 days after closing
	Wall sign	No	Durable	1	24	8	5	0	15 days after closing
	Freestanding (8)	No	Durable	1	24	8	5	8	15 days after closing
Real estate sales—directional Residential zones	Freestanding (8)	No	Durable	4	2	2	5	0	15 days after closing
Temporary Signs - - - - - - - -									
Open house—real estate sales	Sandwich—directional	No		4	6	4	5	0	Daily during attendance
	Sandwich—site (8)	No	Durable	1	6	4	5	0	Daily during attendance
Special event—sales, charities, etc. Schools, churches, parks	Sandwich—directional (8)	No		6	6	4	5	0	5 days after event
	Sandwich—site (8)	No		1	6	4	5	0	5 days after event
	Window banner	No		1	16	8	5	0	5 days after event

Residential zones	Wall sign/banner	No		1	80	20	5	0	5 days after event
	Reader board—portable	No		1	18	4	5	0	5 days after event
	Sandwich—directional (8)	No		3	6	4	5	0	Daily during event
Commercial zones	Type of Sign	Permit Requirement	Material Restrictions	Number of Signs	Allowable Surface Area in SF (1)	Height in Feet (2)	Setback from Adjacent Property Line (3)	Setback from ROW in Feet (3)	Other Limitations
	Sandwich—site (8)	No		1	6	4	5	0	Daily during event
	Sandwich—directional (8)	No		6	6	4	5	0	5 days after event
	Sandwich—site (8)	No		1	6	4	5	0	5 days after event
	Window banner	No		1	40	8	5	0	5 days after event
	Wall sign/banner	No		1	80	20	5	0	5 days after event
Political	Reader board—portable	No		1	18	4	5	0	5 days after event
	Freestanding	No		NA	6	4	5	0	10 days after election

⁽¹⁾The area within a continuous perimeter enclosing the outer limits of the sign face, but not including structural elements, which are not a part of the display. The area of a two-sided sign equals the area of one side. The area of a spherical, cubical, or polyhedral sign equals one-half the total surface area.

⁽²⁾Height—measured from the average finished grade five feet from the sign foundation.

⁽³⁾Setback—shall be that portion of any sign or sign structure that is closest to the property line or ROW line.

⁽⁴⁾Wall signs include marquees, canopies, awnings, and eyebrows—not to exceed 18 inches in thickness.

⁽⁵⁾Projecting signs may not extend more than six inches above the wall, roof, or parapet, or five feet from the building wall.

⁽⁶⁾One for each exit or entrance to a surface parking area or parking structure.

⁽⁷⁾Wall signs include signs placed on fences.

⁽⁸⁾Square feet per one face of a two-sided sandwich board or freestanding sign.

⁽⁹⁾But not covering more than 15 percent of the building facade on which the sign is located.

⁽¹⁰⁾Awnings, marquees, and canopies shall be placed between eight and 16 feet above ground level and signage shall not cover more than 65 percent of the awning face.

⁽¹¹⁾Window signs shall be transparent and not cover more than 25 percent of the window area in which the sign is placed.

⁽¹²⁾If building is less than 10 feet from the property line, the sign shall be placed on the building or in a window.

⁽¹³⁾Freestanding or projecting signs that extend over sidewalks, and awnings, marquees, and canopies shall be placed between eight and 16 feet above ground level.

⁽¹⁴⁾Any sign that extends over a parking stall or off-street parking entrance shall provide a vertical clearance of at least 14 feet.

⁽¹⁵⁾A multiple tenant sign allowed in lieu of one primary sign.

⁽¹⁶⁾Private incidental signs must be for an original purpose and may not simply repeat the same message over and over.

⁽¹⁷⁾Signage on all sides of ATM, kiosk or booth may count as one sign.

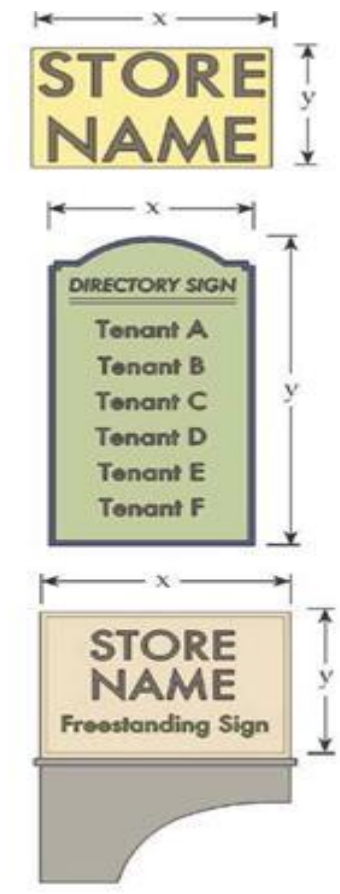
(a) Sign Area. Sign area for all sign types is measured as follows:

- (1) Background panel or surface. Sign copy mounted, affixed or painted on a background panel or surface distinctively painted, textured or constructed as a background for the sign copy, is measured as that area contained within the smallest square, rectangle, parallelogram, triangle, or circle that will enclose the sign copy and the background, as shown in

—Figure 1

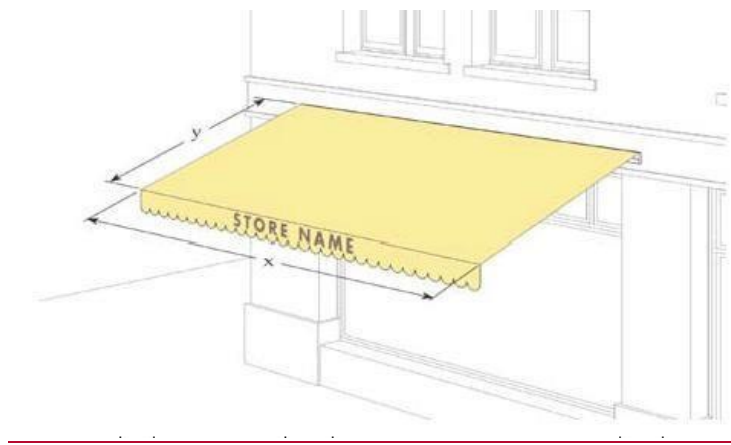
- (2) Figure 1. For an irregular-shaped sign, the sign area may be calculated by combining two or more geometric shapes.

Figure 1



- (2) Individual letters or graphics. Sign copy mounted as individual letters or graphics against a wall, fascia or parapet of a building or surface of another structure, that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, is measured as the sum of the smallest square, rectangle, parallelogram, triangle or circle that will enclose each word, name, sentence and complete message, and each graphic in the sign. For sign copy that has varying sizes of letters or graphics, the sign area may be calculated by combining two or more geometric shapes.
- (3) Illuminated surface. Sign copy mounted, affixed or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element that contains sign copy, as shown in Figure Figure-. Such elements may include, but are not limited to, lit canopy fascia signs and/or interior lit awnings.

Figure2

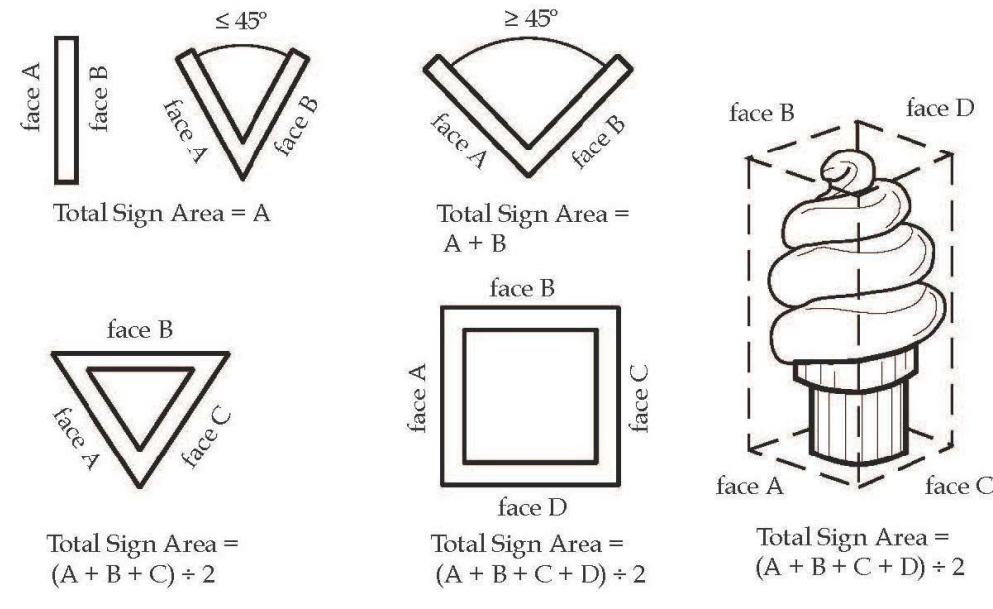


- (4) Backlit translucent panels. Backlit translucent panels and spandrels, with or without text or graphics, are measured as the area of the height and width of any internally illuminated translucent panel, including the side panels if the structure or spandrel is greater than six inches in width.
- (5) Multi-face signs. Multi-face signs, as shown in Figure 3, are measured as follows:
- (A) Two face signs: If the interior angle between the two sign faces is 45 degrees or less, the sign area is of one sign face only. If the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces;

(B) Three or four face signs: The sign area is 50 percent of the sum of the areas of all sign faces; and

(C) Spherical, free-form, sculptural or other non-planar sign area is measured as 50 percent of the sum of the areas using only the four vertical sides of the smallest four – sided polyhedron that will encompass the sign structure. Signs with greater than four polyhedron faces are prohibited.

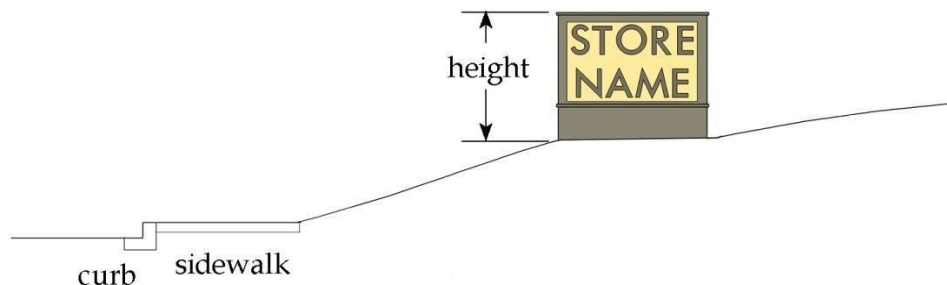
Figure 3



(b) Sign height measurement for freestanding signs. Sign height is measured as the vertical distance from natural grade at the base of a sign to the top of the sign, including the sign support structure; except that signs within 15 feet of an adjacent road may be measured as follows:

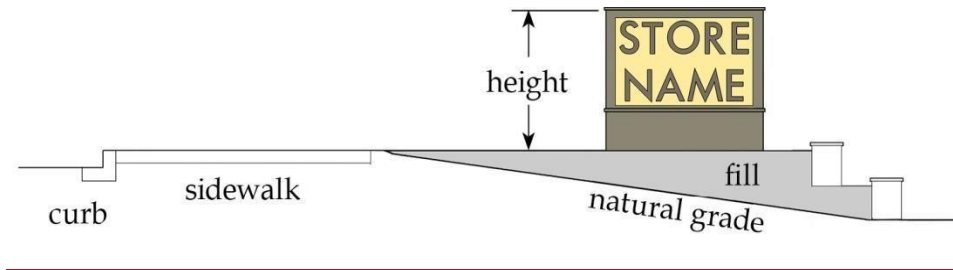
- (1) If natural grade at the base of a sign is higher than the grade of the adjacent road, sign height shall be measured from the base of the sign as shown in Figure 4.

Figure 4



- (2) If natural grade at the base of the sign is lower than the grade of an adjacent road, the height of the sign shall be measured from the top of curb or road-grade elevation, provided that fill is placed between the curb and the sign and extends at least five feet beyond the base of the sign in all directions, as shown in Figure 5.

Figure 5



(c) Sign Structure and Installation.

- (1) Support elements. Any angle iron, bracing, guy wires or similar features used to support a sign shall not be visible.
- (2) Electrical service. When electrical service is provided to freestanding signs or landscape wall signs, all such electrical service is required to be underground and concealed. Electrical service to building mounted wall signs, including conduit, housings and wire, shall be concealed or, when necessary, painted to match the surface of the structure upon which they are mounted. A building permit (electrical) must be issued prior to the installation of any new signs requiring electrical service.
- (3) Raceway cabinets. Raceway cabinets, where used as an element of building mounted wall signs, shall match the building color at the location of the building where the sign is located. Where a raceway cabinet provides a contrast background to sign copy, the colored area is considered part of the sign face and is counted in the aggregate sign area permitted for the site or business. Examples of raceway cabinets are shown in Figure ~~Figure~~-6.

Figure 6



- (4) Limitation on attachments and secondary uses. All permitted sign structures and their associated landscape areas shall be kept free of supplemental attachments or secondary uses including, but not limited to, supplemental signs not part of a permitted sign, light fixture, newspaper distribution racks or trash container. The use of sign structures and associated landscape areas as bicycle racks or support structures for outdoor signs is prohibited.

(d) Sign Placement.

- (1) ~~(a)~~ Signs shall not be placed or erected on or over any public street, public alley, or any other public property including rights-of-way or utility easements within the corporate limits of the city, except as expressly provided for in this chapter. Any sign placed upon private property shall require the permission of the property owner.
- (2) ~~(b)~~ No sign shall be erected or placed in a manner that will block or impair or impede pedestrian or vehicular traffic on streets, alleys, driveways, or points of ingress-egress, or conflict with the clear vision triangle standards in FMC [22.58.005](#).
- (3) No sign may be mounted, attached or painted on a trailer, boat or motor vehicle that is parked, stored or displayed conspicuously on private premises in a manner intended to attract the attention of the public. This excludes signs that are permanently painted or wrapped on the surface of the vehicle, or adhesive vinyl film affixed to the interior or exterior surface of a vehicle window, or signs magnetically attached to motor vehicles or rolling stock that are actively used in the daily conduct of business.
- However, such vehicles shall be operable and parked in a lawful or authorized manner.

~~(e) Where permitted, signs may be directly or indirectly lighted; provided, said lighting is directed away from any adjacent residential uses or other sensitive uses that could be negatively impacted by indiscriminate lighting.~~

~~(d) Each sign shall be adequately constructed in accordance with the requirements of the International Building Code and Uniform Sign Code, as amended.~~

~~(e) Signs containing electrical circuitry shall meet the requirements of the National Electrical Code and of all state laws and shall include an approved testing lab sticker.~~

~~(f) The holder of a valid sign permit, for the duration thereof, shall have the right to change the advertising copy on the structure or sign for which the permit was issued, without being subject to review by the director or payment of additional fees; provided, that such changes conform to this chapter in terms of colors, graphics, materials, illumination and other applicable standards.~~

~~(g) Exposed sign support braces and angle irons are prohibited unless they are a decorative element in the sign structure (e.g., wrought iron "S" curve braces) or unless there are no other practical means of supporting the sign. (Ord. 1473 § 3, 2009; Ord. 1322 § 1, 2003).~~

22.26.0121 Illumination standards.



(a) General. No temporary sign may be illuminated. No sign located in Group 2 (residential) may be illuminated. Permanent signs allowed by this chapter may be non-illuminated, or illuminated by internal light fixtures, halo illuminated, or have external indirect illumination, unless otherwise specified. All illuminated signs shall comply with the time limitations of subsection d, below.

(b) Externally illuminated signs.

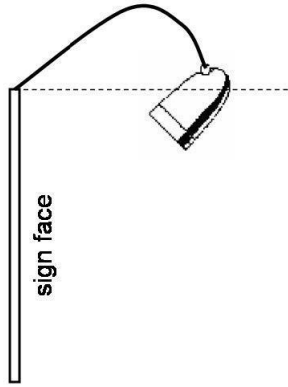
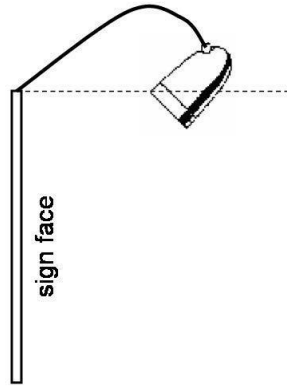
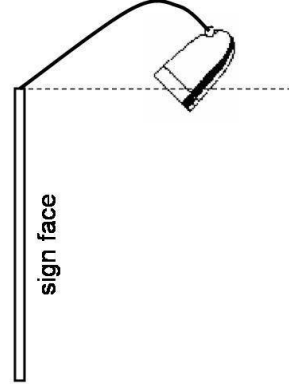
(1) Except as provided in this subsection, externally illuminated signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare. Light shielding shall ensure that the lamp or light source is not visible beyond the premises and shall further ensure that the light is contained within the sign face.

(2) A light fixture mounted above the sign face may be installed with its bottom opening tilted toward the sign face, provided:

(A) The bottom opening of the light fixture is flat (*i.e.*, it could be covered by a flat board allowing no light to escape); and

(B) The uppermost portion of the fixture's opening is located no higher than the top of the sign face, as shown in Figure Figure-7 below. Light fixtures aimed and installed in this fashion shall be considered fully shielded.

Figure 7

Allowed	Allowed	Not Allowed
 sign face Fully Shielded	 sign face Fully Shielded	 sign face Unshielded

(c) Internally illuminated signs.

- (1) This chapter provides incentives to encourage internally illuminated signs to be constructed with an opaque background and translucent text and symbols (see Section 22.26.017(f) and Section 22.26.023(a)).
- (2) In no case may an internally illuminated sign or a digital sign exceed a light output of 100 nits in Group 1 (nonresidential/noncommercial) or Group 3 (non-residential) during nighttime hours.
- (3) Neon sign lighting is allowed in Group 3 (non-residential) only and shall not exceed 100 nits per sign face. Neon signs with solid backgrounds are not allowed in windows in order to ensure maximum light and visibility through windows.

(d) Time limitations. All illuminated signs over three square feet in area shall be turned off by 11:00 p.m., or when the business closes, whichever is later. Signs subject to time limitations are required to have functioning and properly adjusted automatic shut-off timers.

Signs may be illuminated only during those hours that the business being advertised is open for business, except that businesses located in a community commercial or community office zone may keep signs illuminated permanently if located more than 300 feet away from a residence. It is the intent of this section to allow illuminated signs but to ensure that they do not create glare or unduly illuminate the surrounding area. The applicant shall provide the planning commission or director with sufficient technical and design information to demonstrate that the following provisions are met:

~~(a) Externally Illuminated Signs.~~

- ~~(1) The average level of illumination on the vertical surface of the sign shall not exceed three foot-candles, and the uniformity ratio (the ratio of average to minimum illumination) shall not exceed two to one.~~
- ~~(2) Lighting fixtures illuminating signs shall be carefully located, aimed, and shielded so that light is directed only onto the sign facade. Lighting fixtures shall not be aimed toward adjacent streets, roads, or properties. (3) Light fixtures illuminating signs shall be of a type such that the light source (bulb) is not directly visible from adjacent streets, roads, or properties.~~
- ~~(4) To the extent practicable, fixtures used to illuminate signs shall be top-mounted and directed downward (i.e., below the horizontal).~~

~~(b) Internally Illuminated Signs. In order to prevent internally illuminated signs from becoming light fixtures in their own right, it is the intent of this section that such signs consist of light lettering or symbols on a dark background. The lightness or darkness is a function of the luminous transmittance of the translucent surface material, and the light source. The higher the luminous transmittance, the lighter the color.~~

- ~~(1) The lettering or symbols shall constitute no more than 40 percent of the surface area of the sign.~~
- ~~(2) The luminous transmittance for the lettering or symbols shall not exceed 35 percent.~~
- ~~(3) The luminous transmittance for the background portion of the sign shall not exceed 15 percent.~~
- ~~(4) Light sources shall be fluorescent tubes, spaced at least 12 inches on center, mounted at least three and one-half inches from the translucent surface material. The director may approve alternative light sources that are functionally equivalent. (Ord. 1533 § 1, 2013; Ord. 1322 § 1, 2003).~~

22.26.013 Accessory signs.

(a) Accessory Signs

- (1) Number. A maximum of one sign at each vehicle point of entry or egress, not to exceed four accessory signs per site.
- (2) Design. Non-illuminated or internal illumination only. Any accessory sign with electronic display must conform to all digital sign standards in Section 22.26.016.
- (3) Sign area. Maximum area three square feet per sign.
- (4) Wall sign height and mounting. Maximum height eight feet above grade; must be mounted flat against building wall.
- (5) Freestanding sign height. Maximum height three feet above grade (see Figure 8).
- (6) Location. Accessory signs may be permitted in Group 1 (nonresidential/noncommercial) and in Group 3 (commercial).

Figure 8



- (b) Drive-Through Large Accessory Signs. In addition to the accessory signs allowed for vehicle points of entry and in addition to free-standing signs otherwise allowed under Section 22.26.017, large accessory signs are allowed for each point of entry to a drive-up window, subject to the following standards:

- (1) Sign area per drive-up point of entry. Maximum 48 square feet;
- (2) Sign height. Maximum six feet, including the associated sign structure;

- (3) Orientation. Must be oriented so the sign face is not visible from the street or public-right-of way;
- (4) Screening. All sides of sign must be screened from view from the street or public right-of-way with landscaping or walls of brick, stone or siding materials that match the principal walls of the building to which the sign applies. If landscaping is used for screening, it must provide full screening at maturity and must be large enough at planting to provide at least 75 percent screening of the sign;
- (5) Audio. No sound or amplification may be emitted that is audible beyond the site; and
- (6) Location. Drive-through large accessory signs may be permitted only in Group 3 (commercial).

(c) Accessory Structure Signs. A freestanding structure housing an activity that is accessory to the principal tenant of a site in Group 3, such as an ATM kiosk, shall be permitted wall signage, provided that the total wall sign area does not exceed the maximum allowed in FMC 22.26.023 Table 3.

(d) Internal Signs.

- (1) Placement. Signs may be located on internal walkways or landscape islands provided they do not inhibit pedestrian movement along a pathway.
- (2) Sign area. Maximum 15 square feet.
- (3) Sign height. Maximum five feet.
- (4) Design. Signs shall be designed in a uniform manner (within an individual center or complex) using consistent background color and typeface colors. Dark background colors with light colored text are required. See Figure 9 for examples.
- (5) Location. Internal signs may be permitted in Group 1 (nonresidential/noncommercial) and Group 3 (commercial).

Three examples of directional signage for a shopping center. The first sign is a wooden post with multiple horizontal wooden slats, each with a store name and an arrow. The second sign is a large, light-colored rectangular sign with a wooden post, featuring store names and arrows. The third sign is a black post with a wooden sign, featuring store names and arrows.

(a) Awning, canopy and marquee signs may be used in place of permitted wall signs (except where otherwise specified herein), provided they comply with the following standards:

- A. An awning or canopy sign may not be mounted higher than a maximum of 25 feet above the floor level of the ground floor (see Figure 10);
- ~~A.B.~~ An awning or canopy sign shall not project above, below or beyond the edges of the face of the building wall or architectural element on which it is located;
- C. No part of the sign, as a part of, or displayed on the vertical surface of an awning or canopy, shall project beyond the edges of the awning or canopy surface on which it is displayed. If an awning or canopy is placed on multiple tenant spaces, each tenant space is permitted signage no greater than 60 percent of the width of the tenant space;

- D. Signs shall be placed on the front flap only rather than on the top-sloped awning area; and
- B-E. Signs shall be placed a minimum of eight feet above the sidewalk or walkway;

Figure 10



- (6) Illumination. If sign letters or logos are placed on an awning, canopy or marquee, only the face area containing the letters or logos may be illuminated. All illumination must be internal behind the surface of the awning, canopy or marquee. The sign may also be non-illuminated; and
- (7) Location. Awning, canopy and marquee signs may be permitted in Group 1 (nonresidential/ noncommercial) and Group 3 (commercial).

22.26.015 Changeable Copy Sign.

Changeable copy signs (see Figure 11) may be used in place of permitted freestanding signs and wall signs (except where otherwise specified herein), provided they comply with the following standards:

(a) Number. A maximum of one changeable copy sign per parcel or group of parcels that form a center or complex, or other site or facility, except that additional changeable copy signs are permitted as follows:

- (1) The additional changeable copy sign(s) must be placed at least 100 feet from abutting streets or right-of-way; and

- (2) The additional changeable copy sign(s) must not exceed the maximum area, height, and quantity standards otherwise applicable to any free-standing or building mounted wall signs on the parcel.

Figure 11



- (b) Sign area. A maximum 20 percent of the allowed wall sign area or 50 percent of a free standing sign face may be changeable copy (this does not apply to signs required by law). Wall mounted changeable copy signs placed at least 100 feet from abutting streets may be a maximum of 50 percent of permitted wall sign area.
- (c) Sign height above grade. Limited to the maximum height allowed for freestanding signs and 15 feet maximum for wall signs.
- (d) Placement/Location. Allowed only as an integral part of a wall sign or a freestanding sign.
- (e) Illumination. Internally or indirectly illuminated, subject to the illumination standards in Section 22.26.012.
- (f) Location. Changeable copy signs may be permitted in Group 1 (nonresidential/noncommercial) and in Group 3 (commercial).

22.26.016 Digital signs.

- (a) Sign area. Maximum 16 square feet.
- (b) Density. One digital sign per parcel or group of parcels that form a center or complex, or other site or facility, with street frontage of at least 150 feet.
- (c) Luminance. Maximum 50 nits during nighttime hours.
- (d) Motion limits. No motion except for instantaneous change of message.
- (e) Hold between messages. Minimum eight seconds.
- (f) Programming: To ensure that digital signs are programmed and continue to operate according to local standards, digital signs shall be designed for local on-site control and programming.
- (g) Digital Signage Integration. Digital signage elements may be integrated into any freestanding sign or wall sign permitted in this section, provided no more than 50 percent of allowed sign copy area, not to exceed 16 square feet, may be used for digital purposes.
- (h) Location: Digital signs may be permitted in Group 1 (nonresidential/noncommercial) and in Group 3 (commercial).

22.26.017 Freestanding signs.

- (a) Number. The number of freestanding signs for single and multiple tenant uses is derived from the location and length of development site frontage as described below:
 - (1) One freestanding sign for each 150 feet of site frontage up to a maximum of three freestanding signs per frontage. Flag lot sites with frontage on a public street are permitted one sign only on the frontage providing primary access to the site.
 - (2) For properties with more than 300 feet of frontage and two or more freestanding signs, such signs shall be separated by at least 150 feet.
 - (3) Where more than one freestanding sign is proposed on a site with multiple frontages, a minimum of 60 linear feet shall separate a sign on one frontage from a sign on another frontage.
- (b) Sign form. Signs shall be designed so they appear firmly anchored to the ground. Examples include monument signs and other signs where the sign base has a minimum aggregate width of 40 percent of the sign cabinet or face, as shown in Figure 12.

Figure 12



(c) Placement.

- (1) A minimum of five feet from the property line abutting a street, a minimum of 10 feet from any interior side lot line, or a minimum of 25 feet from any Group 1 (nonresidential or noncommercial) or Group 2 (residential) properties.
- (2) No freestanding sign shall be located in a manner that will block or impair or impede pedestrian or vehicular traffic on streets, alleys, driveways, or points of ingress-egress, or conflict with the clear vision triangle standards in FMC 22.58.005.

(d) Materials and Design. Signs shall be designed as an integrated architectural feature of the site as described and illustrated in Figures 13-14, below:

- (1) Framing. Signs must include design elements that effectively frame the sign on both sides.

Alternatively, signs that have a substantial framing element on one side will meet this provision;

- (2) Materials and Design. Signs shall include durable high quality materials and a design that relates to and/or complements the design of on-site buildings and/or is coordinated with other site design elements (such as distinctive lighting, monuments, internal signs); and
- ~~(2)~~(3) Top/Middle/Bottom. Signs shall integrate a top, middle, and bottom element. The top should include a distinctive sign cap. The middle should include a consistent framing technique for an individual sign or multiple signs in a multi-tenant center. The bottom should include a distinctive base design with special materials and/or design. These elements are less critical for signs less than six feet tall, which are exempt from this provision.

Figure 13

Signs including a frame and top/middle/bottom elements



Figure 14

Signs featuring substantial framing elements on one side



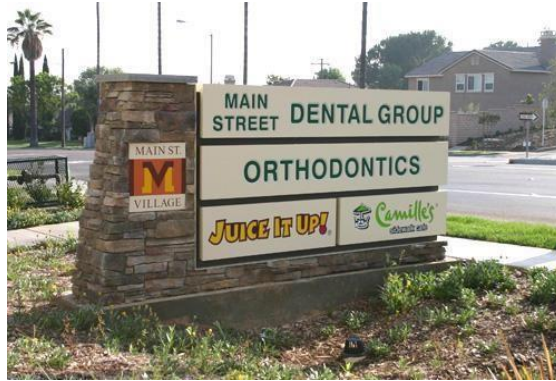


Figure 15

Unacceptable signs



The sign on the left includes a base and a frame, but no identifiable top.

The middle sign and sign on the right fail to meet any of the design provisions above.

(e) Landscaping.

- (1) Landscaping is required around the base of freestanding signs to enhance the character of street frontages. At least one square foot of landscaped area shall be provided per one square foot of sign area. Utilize plants and a maintenance program to minimize conflicts with the sign.
- (4)(2) Base Height Provision. The copy of all signage shall be at least one foot above grade to allow vertical space for the required landscape elements and enhance the visibility of sign copy. See Figure 16.

Figure 16



(f) Area and Height.

(1) Table 2 illustrates the maximum allowable sign area and height for all freestanding signs. **Table 2**

Total ROW Frontage of Parcel (on each street)	Allowable Sign Area (White very light or unshaded background)	Allowable Sign Area (Black, dark or shaded background)	Maximum Height (White, very light or unshaded background)	Maximum Height (Black, dark or shaded background)
<100 Feet	24 sq. ft.	40 sq. ft.	4 feet	6 feet
100--275 Feet	32 sq. ft.	50 sq. ft.	5 feet	7 feet
>275 Feet	40 sq. ft.	60 sq. ft.	6 feet	8 feet

(2) Signs that employ shaded, opaque or dark background and light colored lettering for at least 50 percent of the sign copy are allowed larger sign areas, as they are found to be less visually intrusive than signs incorporating white or very light-colored background. Using a CMYK color chart, signs that employ color numbers that add up to at least 20 (collectively) shall be considered as “shaded.” For example:

C=0, M=0, Y=0, K=20 = Shaded

C=10, M=0, Y=0, K=10 = Shaded

C=10, M=0, Y=0, K=0 = Not considered to be shaded

See Figure 17 below for examples. The black, dark, and shaded signs qualify for the extra sign area and height specified in the shaded columns of Table 2. The sign on the right with the white background is allowed but does not qualify for the “bonus” sign area and height and is subject to the sign area/ height limits in the unshaded columns in Table 2

Figure 17



(4)(3) For those properties where more than one freestanding sign is allowed on a particular frontage per subsection (a) of this section, one sign may be installed per standards specified per the total ROW frontage of the parcel. The size and height of additional signs are based on the separation from the larger primary sign or other supplemental sign. For example, if a second sign is 250 feet from the larger primary sign, then it shall meet the standards for a sign that includes 100 through 299 feet of total ROW frontage of parcel as set forth in Table 2.

(g) Address Numbers. Legible address numbers are required on all freestanding signs. Such address numbers are exempt from sign area standards.

(h) Location. Freestanding signs may be permitted in Group 1 (nonresidential/noncommercial) and Group 3 (commercial).

22.26.018 Portable signs.

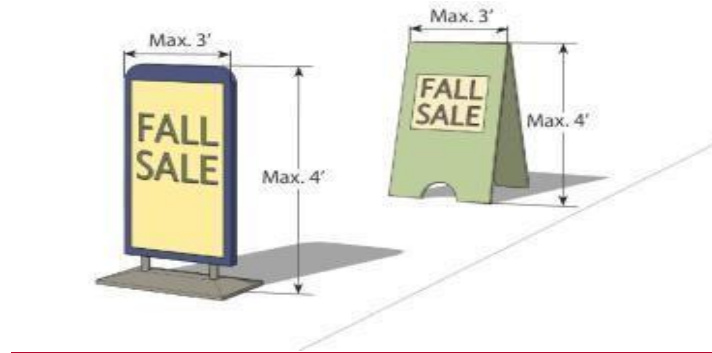
(a) Design and Materials: Portable signs must be designed with durable materials; otherwise they will be regulated as temporary signs under Section 22.26.021. Portable signs must be designed to withstand wind and include a heavy weighted base for pole-mounted signs, and a heavy weight suspended between the opposing faces of a sandwich board sign.

(b) Size and Height (See Figure 18).

1. Sandwich board signs: Maximum four feet in height and three feet in width. (Note: sandwich board sign height is measured in the flat standing position, rather than in open standing position.)

2. Pole-mounted signs: Maximum four feet in height and three feet in width.
3. Feather signs: Maximum 13 feet in height.

Figure 18



(c) Number, location and spacing:

1. Sandwich board or pole-mounted sign. One sandwich board or pole-mounted sign may be displayed per tenant space. Signs shall be located within 12 feet of the primary building entrance.
2. Feather Sign. A feather sign may be displayed In lieu of a portable sandwich board or pole-mounted sign. Spacing of feather signs shall be no closer than 100 feet apart on a property frontage as shown in Figure 19. Each property may qualify for one feather sign regardless of frontage length.

Figure 19



Feather signs shall be placed at intervals of no more than one sign per 100 lineal feet of frontage and located behind the sidewalk outside the public ROW.

(d) Placement: No portable sign may be located on city right-of-way, including sidewalk, without city approval. Such signs shall not be placed within a clear vision triangle (see Section 22.58.005) or any location that will impede vehicular traffic. Further, such signs shall not be placed in a manner that will block or otherwise obstruct the safe use of sidewalks, building entrances or stairs by pedestrians, including pedestrians who are visually impaired or otherwise handicapped.

(e) Display Hours: During business or operating hours only.

(f) Location: Portable signs (durable and temporary) may be permitted in Group 1 (nonresidential/ noncommercial) and Group 3 (commercial), and temporary portable signs may be permitted in Group 2 (residential). Temporary portable signs are subject to the provisions of Section 22.26.021. Feather signs are permitted only in the CMU zone.

(g) Visually obscured building signage: In order to provide increased visibility for businesses and other tenants located in buildings that are visually obscured from public street frontage by an intervening building, sandwich or pole-mounted signs may be placed along the arterial street frontage in lieu of these signs being placed within 12 feet of the primary entrance to the rear building or business, subject to the following limitations:

1. The property is located within a CMU or NC zone.
2. Signs shall be placed on private property subject to the property owner's permission.
3. The number of signs shall be limited to one per tenant.
4. Spacing shall be no closer than 50 feet apart to minimize their visual impact.

22.26.019 Projecting signs.

(a) Projecting signs may be used in lieu of or in addition to wall, awning, canopy or marquee signs provided they comply with the following standards.

(1) Number.

(A) Projecting Signs. One projecting sign may be allowed per tenant space or building frontage that is visible from a street or customer parking lot.

(B) Projecting Banner Signs. Multiple banner signs may be integrated on building if aligned with facade articulation elements (such as vertical columns or piers). See Figure 20 for examples.

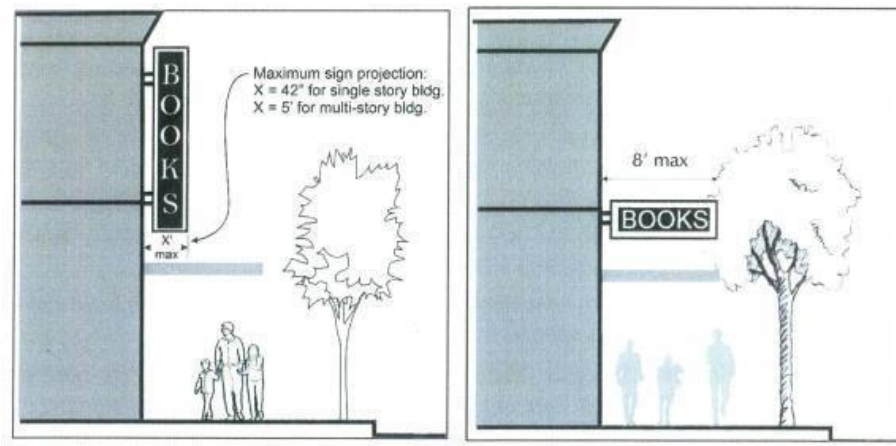
Figure 20



- (2) Area. Maximum 8 square feet.
- (3) Orientation. Projecting signs may be either vertically or horizontally oriented. Projecting banner signs must be vertically oriented.
- (4) Projection. See Figure 21.
 - (A) Horizontally oriented signs shall not project more than eight feet;
 - (B) Vertically oriented signs shall not project more than 42 inches for single-story buildings or more than five feet for multi-story buildings;
 - (C) Signs may project over a sidewalk into a public right-of-way subject to city approval but shall not extend over a parking area or travel lane.

Figure 21

Standards for vertically (left) and horizontally oriented (right) projecting signs.



- (5) Height.
 - (A) Horizontally oriented signs shall not exceed three feet.

(B) Vertically oriented signs shall not extend above the building parapet, soffit, the eave line or the roof of the building. See Figure 22 for unacceptable examples where signs project over the roofline and there is an excessive number of projecting signs resulting in unwanted clutter.

Figure 22



(6) Vertical Clearance. Signs shall be placed a minimum of eight feet above the sidewalk, walkway or driveway that is directly below the sign, or within three feet of the sign. See Figure 23.

Figure 23



(7) Placement.

(A) Projecting signs shall not be located directly in front of windows or in conflict with other signs or architectural features of the building.

(B) No projecting sign shall be located within 25 feet of another projecting sign on the same site or on the same building. Projecting banner signs may be spaced closer than 25 feet when they are aligned with facade articulation elements (such as vertical columns or piers).

(8) Mounting.

(A) Signs shall be mounted perpendicular to the building wall to which they are affixed.

(B) Signs shall be supported by or suspended from solid rods or otherwise tethered or reinforced to avoid movement in wind.

(9) Location. Projecting signs and projecting banner signs may be permitted only in Group 3 (commercial).

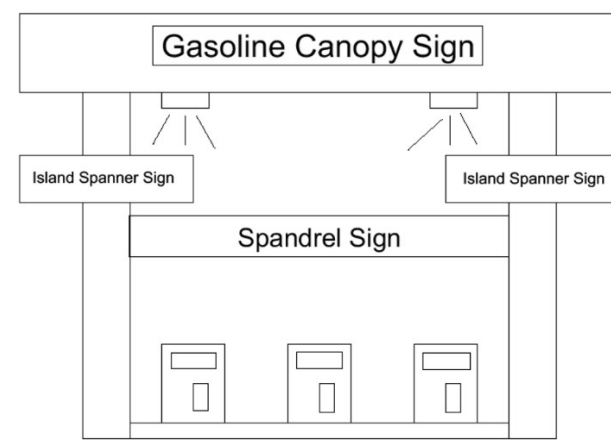
22.26.020 Service Island Signs.

(a) Number and Size.

(1) Island canopies. One sign on the canopy fascia per street frontage, not to exceed 20 percent of the area of canopy fascia to which the sign is mounted. See Figure 24.

(2) Spandrel signs and island spanner signs. Spandrel signs shall not exceed 20 percent of the spandrel area, and both spandrel signs and island spanner signs attached to canopy support columns shall be deducted from allowable wall signage on the associated principal building on the site.

Figure 24



(b) Design. Spandrel signs may be internally illuminated, subject to the illumination standards of Section

22.26.012. Island spanner signs attached to canopy support columns shall not be illuminated.

(c) Location. Service island signs may be permitted only in Group 3 (commercial).

22.26.021 Temporary signs.

(a) No Permit required. No sign permit is required for temporary signs.

(b) Removal. Temporary signs shall be removed if the sign is in need of repair, is worn, dilapidated or creates a public nuisance. Signs installed for periods exceeding 180 days shall be modified to meet the applicable standards for permanent (non-temporary) signs or be removed.

(c) Materials. Temporary signs must be made of non-durable materials including, but not limited to, paper, corrugated board, flexible, bendable or foldable plastics, foam core board, vinyl canvas or vinyl mesh products of less than 20 oz. fabric, vinyl canvas and vinyl mesh products without polymeric plasticizers, and signs painted or drawn with water soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to the permanent sign regulations of this Chapter.

(d) Location.

- (1) City property (excluding city right-of-way). Temporary signs on city-owned property excluding city right-of-way are allowed only in conjunction with an approved Special Event permit.
- (2) City right-of-way outside of the roadway. Temporary signs on city right-of-way placed outside of the roadway must comply with the following requirements:
 - (A) Placement. Allowed only between the property line and the back of the nearest curb, or where no curb exists, between the property line and the nearest edge of the pavement. Signs may not be placed on traffic islands, or on sidewalks, driveways or other paved areas designed for pedestrian or vehicular use, or as conditioned in a right-of-way use permit.
 - (B) Approval of abutting owner. Approval of the abutting owner is required.
 - (C) Type. Signs on stakes that can be manually pushed or hammered into the ground are allowed. All other signs are prohibited, unless specifically allowed by a right-of-way use permit.
 - (D) Area and height. Maximum four square feet in area and three feet in height.
 - (E) Dilapidated or nuisance signs. Any temporary sign in the right-of-way that is dilapidated or a nuisance shall be removed by the person responsible for placement of the sign.
 - (F) Other signs. The city may allow other signs in city right-of-way with a right-of-way use permit.
- (3) Residential. Temporary signs may be placed in Group 2 (residential) in accordance with the requirements of this Section and the following:
 - (A) Window signs. Maximum one temporary window sign per residential unit, not to exceed four square feet in area.
 - (B) Freestanding signs (includes pole-mounted, stake-mounted and portable signs). Maximum six square feet in area and four feet in height. Spacing shall be no closer than 100 feet apart on a property frontage.
 - (C) Surface-mounted signs. Maximum one surface-mounted sign, not to exceed two square feet in area. Must be flatly affixed to walls below the fascia or parapet line, or flatly affixed to on-site fences either facing or abutting the street, or facing inward to the subject site. Signs shall not be attached or tethered to other site improvements.

(4) Non-residential. Temporary signs may be placed in Group 1 (nonresidential/noncommercial) and Group 3 (commercial) in accordance with the requirements of this Section and the following:

(A) Window signs. Maximum four square feet or 10 percent of the area of the window in which they are placed, whichever is greater.

(B) Freestanding signs (including pole-mounted, stake-mounted and portable signs).

Maximum eight square feet in area and four feet in height. Spacing shall be no closer than 100 feet apart on a property frontage.

a. (C) Surface-mounted signs. Maximum 32 square feet in area. Must be flatly affixed to walls below the fascia or parapet line, or flatly affixed to on-site fences either facing or abutting the street, or facing inward to the subject site. Signs shall not be attached or tethered to other site improvements.

22.26.022 Under-canopy signs.

Under-canopy signs are placed under awnings, marquees or canopies and placed perpendicular to the storefronts and thus oriented to pedestrians on the sidewalk or an internal walkway.

Under-canopyProjecting signs may be used in lieu of or in addition to wall, awning, canopy or marquee signs provided they comply with the following standards.

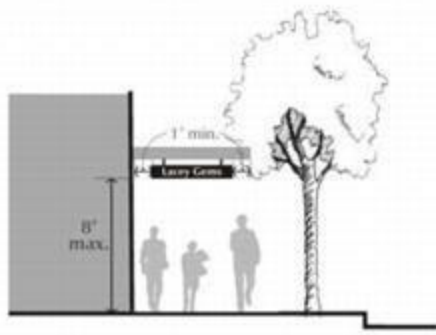
(a) Number. One for each entrance.

(b) Width. Limited by the projection of the canopy. There shall be a one-foot minimum distance between the sign and the outer edge of the marquee, awning, or canopy and between the sign and the building facade.

(c) Height. Maximum two feet in height.

(d) Vertical Clearance. Minimum of eight feet above the sidewalk or walkway. See Figure 25.

Figure 25



(e) Location. Under-canopy signs may be permitted only in Group 3 (commercial).

22.26.023 Wall signs.

(a) Area.

- (1) Group 1. Maximum 32 square feet.
- (2) Group 2. Maximum two square feet.
- (3) Group 3. Maximum area of wall, awning, canopy, or marquee signage on each building elevation is provided in Table 3 below.

Table 3

Maximum sign surface area (White, very light or unshaded background)	Maximum sign surface area (Black, dark or shaded background)
1.5 sf of sign area per linear foot of storefront, tenant space, or building wall, not to exceed 75 sf	2.0 sf of sign area per linear foot of storefront, tenant space, or building wall, not to exceed 100 sf

(b) Placement and Design.

- (1) Wall signs shall be centered, proportional, and shaped to the architectural features of the buildings. Signage shall not exceed 60 percent of the width of the wall plane upon which the sign is placed or the width of the tenant space, per Figure 26. Signage shall not exceed 70 percent of the height of the blank wall space or fascia on which the sign is located. These standards also apply to upper level tenant space.

Figure 26



- (2) Wall signs shall not cover important architectural details of a building such as stair railings, windows, doors, building trim, or special ornamentation features. Preferred areas for installation of wall signs include blank areas above canopies, areas between vertical piers or columns, blank areas under a gabled roof, or upper reaches of a false fronted building.
- (3) Tenants on upper levels may include wall signs placed on the facade above the ground floor tenant provided the permitted sign area shall be shared with tenant below and the location/design meets the applicable standards in this subsection.
- (4) Wall signs may not extend above the building parapet, soffit, the eave line or the roof of the building.

(c) Mounting.

- (1) Building signs should be mounted plumb with the building, with a maximum protrusion of one foot unless the sign incorporates sculptural elements or architectural devices.
- (2) All individual letter signs shall be installed to appear flush-mounted unless a pin-mounted design is used to accommodate backlit lighting. If the letters are illuminated and require a raceway, the letters shall be installed tight against the raceway, which shall be painted to match the color of the surface to which the raceway is mounted. Where possible, especially on new construction, the raceway should be recessed to allow letters to be flush with the wall surface.

(3) The sign frame shall be concealed or integrated into the building's architectural character in terms of form, color, and materials.

(d) Location. Wall signs may be permitted in Group 1 (nonresidential/noncommercial), Group 2 (residential), and in Group 3 (commercial).

22.26.024 Window signs.

Window signs may be used in place of permitted wall signs (except where otherwise specified herein), provided they comply with the following standards:

(a) Number: One permanent window sign may be placed in a single window.

(b) Area. Window signs are included in the wall sign maximum area limits set forth in Section 22.26.023. In addition, standards and guidelines set forth in FMC 22.64.020 Display Windows apply where applicable.

(c) Location. Permanent signs shall not be placed in windows above the second story level. For the requirements applicable to temporary window signs, see Section 22.26.021.

(d) Design. Permanent signs are limited to individual painted or vinyl cut-out letters and graphics, or neon signs constructed without a solid or opaque background. Permanent signs with solid backgrounds or opaque backgrounds are not permitted in windows in order to ensure maximum light and visibility through windows.

Temporary window signs are exempt from these design restrictions.

(e) Location. Window signs may be permitted in Group 1 (nonresidential/noncommercial) and in Group 3 (commercial).

~~22.26.0 Special provisions by zone group and sign classification.~~

~~(a) Identification Signs.~~

~~(1) Single Tenant Business Buildings. Each tenant business in zone group 3 shall be allowed one business sign designated as the principal sign and up to two secondary business signs. Single tenant occupancies shall be limited to one freestanding sign per premises.~~

~~(2) Multi-Tenant Business Buildings and Multi-Building Business Complexes. Each multi-tenant building or multi-building complex in zone group 3 shall be permitted one principal freestanding business sign for up to each 150 feet of~~

frontage, or in lieu thereof one freestanding in-common sign that identifies two or more uses on the premises, and up to two secondary business signs per tenant.

~~(3) Accessory Business Structures. A freestanding structure housing an commercial activity that is accessory to the principal commercial tenant of a site in zone group 3, such as an ATM kiosk, shall be permitted one wall sign. This sign may be separated into individual components, meaning that sign graphics located on each wall or face of the structure may be combined in terms of their area and count as one sign; provided, that the total sign area does not exceed the maximum allowed in FMC 22.26.008. This sign may be permitted in addition to principal and secondary business signs allowed in subsections (a)(1) and (2) of this section.~~

~~(4) Advertising Copy Signage Located on City Park Facilities. Nonilluminated advertising signs and banners may be placed on fences, walls, backstops and other structures in city park facilities subject to limits specified in the sign allowances table.~~

~~(b) Limited Duration Signs.~~

~~(1) Off-Premises Residential Directional “Real Estate For Sale” Signs. Signs directing pedestrian or vehicular traffic to residential properties for sale are permitted only during times when the property for sale has been posted with an on-premises “real estate for sale” sign. The sign may be placed along the periphery of a roadway, provided it does not interfere with traffic safety, but it may not be attached to a utility pole or traffic safety device. No more than four offpremises directional “real estate for sale” signs are permitted to advertise a single property that is for sale.~~

~~(c) Temporary Signs.~~

~~(1) Residential Directional “Open House” Signs. These signs are permitted only during daylight hours and during times in which the broker/agent or seller or an agent is in attendance at the property for sale. The sign may be placed along the periphery of a roadway, provided it does not interfere with traffic safety, but it may not be attached to a utility pole or traffic safety device.~~

~~(2) Political Signs. Political signs may be placed upon the periphery of a public roadway provided they do not interfere with traffic, whether vehicular or pedestrian, or interfere with the use of any residential or commercial property. Political signs may be placed upon privately owned property with the consent of the property owner.~~

~~(3) Grand Opening and Special Event Displays. Temporary signs, posters, portable reader boards, banners, strings of lights, clusters of flags, blinking lights, balloons and searchlights are permitted only to announce the opening of a completely new enterprise, the opening of an enterprise under new management, or a special event.~~

~~All such materials shall be removed immediately upon the expiration of the opening period. Use of the above-described devices within the limits specified shall be an exception to the general prohibitions contained in this chapter. Such displays are allowed only on the premises where the enterprise so advertised is located.~~

~~(4) Garage or Yard Sale Signs. No individual lot shall be allowed more than one garage/yard sale sign in a single quarter of any calendar year. Only one sign per sale may be placed in any intersection under the following conditions:~~

~~(A) No garage/yard sale sign shall be placed, affixed, stapled, glued, or taped to any utility pole, street sign, tree, stop sign, fence, etc.;~~

~~(B) No garage/yard sale sign shall be placed on any roadway or sidewalk, nor in any public right-of-way in a manner as to interfere with traffic, both vehicular and pedestrian, or interfere with any residential, commercial or industrial property;~~

~~(C) No garage/yard sale signs shall be placed on public or private property for more than 96 hours, regardless of the length of the sale.~~

~~(5) Except as otherwise provided or limited, no temporary sign shall be erected, re-erected, or maintained for more than 120 days, unless permitted as provided hereafter. For the purpose of this regulation, any sign of similar content erected subsequent to the original temporary sign shall be considered as the original sign for the time limitation contained herein. Temporary construction, incidental, political and real estate signs as defined and provided herein may exceed the 120-day time limit upon a proper showing of business necessity or public purpose and the granting of a permit as provided hereafter. (Ord. 1490 § 2, 2009; Ord. 1322 § 1, 2003).~~

22.26.0125 Exemptions.



The following are exempt from the permit requirements of this chapter:

- (a) Painting, repainting, cleaning, repairing and other normal maintenance, unless structural or electrical changes are made;
- (b) Temporary signs and decorations that are customary for special holidays and that are erected on private property or public property, meeting the requirements in Section 22.26.021;
- (c) Governmental signs. Signs installed by the city, county, or a federal or State governmental agency for the protection of the public health, safety and general welfare, including, but not limited to, the following:

- (1) Emergency and warning signs necessary for public safety or civil defense;
- (2) Traffic and/or wayfinding signs erected and maintained by an authorized public agency;
- (3) Signs required to be displayed by law;
- (4) Signs showing the location of public facilities; and
- (5) Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect the public health, safety and general welfare.

~~City entrance signs, street banners, decorations, time/temperature signs, and/or similar items located in the city street right-of-way;~~

- (d) Temporary signs in windows. Any temporary sign taped or otherwise affixed to the inside of a window, in such a manner as to be easily removed, provided that the total area of such sign in any one window does not exceed the square footage limitations in Section 22.26.024 (Window Signs) and Section 22.26.021 (Temporary Signs)~~Group 3 window, sandwich, and fuel price information signs;~~
- (e) Interior signs. Signs or displays located entirely inside of a building and located at least three feet away from transparent doors and windows;~~Bona fide religious symbols~~
- (f) Vehicle signs. Any sign on a vehicle, unless such vehicle is parked or stationed near an activity for the primary purpose of attracting public attention to such activity, unless such vehicle or mobile unit is regularly parked in any prominently visible location for the primary purpose of attracting public attention to the sign

~~Memorial signs or tablets, names of building, dates of erection and the like;~~

- (g) Changes to the face or copy of changeable copy signs and digital signs, provided such changes do not change the material or appearance of the sign as originally permitted by the city~~Traffic or pedestrian control signs, signs required by law, or signs indicating scenic or historic points of interest that are erected by or on the order of a public officer in the performance of his public duty;~~
- (h) Sculptures, fountains, mosaics, and design features that do not incorporate advertising or identification;

- (i) Any flags, provided that they conform to all provisions of this chapter for signs~~The flag of governments or noncommercial institutions such as schools, with the poles treated as structures;~~
- (j) Building identification numbers as required pursuant to Chapter 12.26 FMC or any other city or State regulation~~Official public notices of federal, state or local governments, official court notices;~~
- (k) Certain historic and architectural features. Stone or cement plaques and cornerstones with engraved or cast text or symbols and permanently embedded in the building's foundation or masonry siding materials, provided that none of these exceed four square feet in area~~Incidental signs;~~
- (l) Signs not intended to be viewed by the public from the street right-of-way that~~which~~ are not visible from adjacent property. Examples include signs located within an enclosed or partially enclosed lobby or courtyard of any building or group of buildings that are designed and located to be viewed exclusively by patrons of such use or uses, and kiosks and other related informational signs that are placed along internal walkways that are designed specifically to be viewed by pedestrians and not intended to function as advertising to motorists on nearby public streets.;
- (m) ~~Lettering or symbols painted directly onto or flush-mounted magnetically onto an operable vehicle;~~
- (n) ~~Identification signs upon recycling collection containers for public, charitable or nonprofit organizations; (o) Emblems of local nonprofit organizations and community service clubs, including signs less than two square feet which identify their meeting place and time;~~
- (p) Home occupation signs, and address signs with numbers and letters not more than 10 inches in height; (q)-; (q) Political signs;
- (r) Residential real estate sales/rental signs, commercial real estate window signs, open house; (s) Temporary residential signs such as yard/garage sale signs. (Ord. 1322 § 1, 2003).

22.26.02613 Prohibited signs.

From and after the effective date of the ordinance codified in this chapter, it is unlawful for any person to maintain, erect or place within the city:

- (a) Animated signs. Rotating or revolving signs, or signs where all or a portion of the sign moves in some manner. This includes any sign animated by any means, including fixed aerial displays, balloons, pennants, spinners, propellers, whirling, or similar devices designed to flutter, rotate or display other movement under the influence of the wind, including flag canopies not otherwise allowed in Section 22.26.014 (Awning, Canopy or Marquee Signs), streamers, tubes, or other devices affected by the movement of air or other atmospheric or mechanical means. This does not include historic signs and historic replica signs where the applicant is able to prove, through documentation or other evidence, that the original historic sign produced the same motion/movement and is proposed in the same location; ~~A swinging projecting sign;~~
- (b) Nuisance signs. Any signs that emit smoke, visible particles, odors and sound ~~Strings of lights, banners, balloons, pennants, ribbons, streamers, spinners, rotating or blinking lights, or similar devices, except those that are used for official city purposes, or a specific business grand opening or special event pursuant to a sign permit;~~
- (c) Mobile Signs, including those attached to or placed upon a vehicle or trailer parked on private or public property. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal course of business ~~This does not include automobile for sale signs or signs attached to franchised buses or taxis;~~
- (d) Flashing signs or lights. A sign that contains an intermittent or flashing light source, or a sign that includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Flashing light sources are prohibited. Signs with an exposed light source, including clear light bulbs that do not flash on a theater marquee except for neon incorporated into the design of the sign, are also prohibited. Digital signs are allowed under the provisions of Section 22.26.016; ~~Private signs placed in or upon a public right-of-way, except as expressly provided herein;~~
- (e) Any sign that constitutes a traffic hazard or detriment to traffic safety because of its size, location, movement, content, or method of illumination or that obstructs the vision of drivers or detracts from the visibility of any official traffic control device because it diverts or tends to divert the attention of drivers of moving vehicles away from traffic movement on streets,

roads, intersections, or access facilities. No sign shall be erected so that it obstructs the vision of pedestrians, or which by its glare or by its method of illumination constitutes a hazard to traffic. No sign may use words, phrases, symbols or characters in such a manner as to interfere with, mislead, or confuse the steady and safe flow of traffic;

- (f) Any sign or advertising structure or supporting structure that is torn, damaged, defaced or destroyed;
- (g) Abandoned sign, including signs whose face has been removed or is broken and is not refaced within 180 days thereafter. Abandoned signs shall also include signs with rusted, faded, peeled, cracked or otherwise deteriorated materials or finishes that have not been repaired within 90 days after the city provides notice of the sign's deteriorated condition in accordance with Chapter 22.95 FMC; ~~Any sign, including the sign structure, which no longer advertises a bona fide business or product. Any such sign shall be taken down and removed by the owner, agent or person having the beneficial use of the land, building or structure within 90 days after written notification from the director;~~
- (h) Signs attached to utility poles, street lights, fire hydrants, trees, rocks or other natural features except those signs approved as part of a special event permit on city property or banner signs permitted by the city on street lights or utility poles;
- (i) Bench signs greater than one square foot in area ~~Signs attached to benches on public rights-of-way;~~
- (j) Permanent signs on vacant lots, parcels or easements. No permanent sign shall be located on a vacant lot, parcel or easement. No permanent sign shall be located on a lot, parcel or easement as the principal use of that lot, parcel or easement. Signs may only be established as an accessory use to a principally permitted use;
- (k) ~~Billboards; r~~Roof signs, including signs painted directly on the roof surface; and ~~revolving and flashing signs; portable reader board signs, except for temporary special events; off-premises signs, except as specifically allowed in this chapter; and all other signs not otherwise specifically authorized or exempted by this chapter.~~

- (l) Signs that may impede free ingress and egress from any door, window or exit way required by building and fire regulations;

22.26.02717 Liability. SHARE

This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, building, altering, constructing, removing or moving any sign in the city. For damages to anyone injured or damaged either in person or in property by any defect therein; the city, or any agent thereof, shall not be held as assuming such liability by reason of permit or of inspection authorized herein or of certificate of inspection issued by the city or any of its agents.

Chapter 22.64 Design Guidelines

22.64.041 Signage.

~~Intent—Create advertising, directional, and interpretive signs that are informative, visually interesting, uncluttered, subordinate to buildings and land uses, and appropriate to the scale of the pedestrian or motorist to be informed.~~

~~(a) —Signs should incorporate graphic symbols, logos, and other elements as much as possible to provide visual interest and reduce “word clutter.” Signs should be expressive, even whimsical, with a graphic design approach to form and lighting.~~

~~(b) —Decorative banners, wall murals, and other artwork of graphic and noncommercial nature may be appropriate on buildings located within the commercial districts.~~

~~(c) —Within commercial districts, signs may be mounted on the face of the building, provided the advertising does not detract or overpower the building architecture and scale, and reflects the building’s modulations. Signs should not cover or obscure important architectural details of a building such as stair railings, turnings, windows, doors, decorative louvers, or similar elements intended to be decorative features of a building design. Signs should appear to be a secondary and complementary feature of the building facade. Wall signs should be located within architectural signs bands or other blank spaces that visually frame the sign. Blank wall sections above or between windows and doors, for example, may provide an effective location for signage. Signs hanging between pillars and archways may also be an effective design solution. However, to avoid a “maxed out” appearance, signs should be no larger than 70 percent of the width or height of the blank wall space or fascia the sign is mounted to so as to leave reveal on all sides of the sign and to maintain an appropriate balance between the sign and wall. For example, a pillar between a door and window that is 30 inches wide may have a sign that is 21 inches wide.~~

~~(d) —Building advertising signs may be hung from below the awnings perpendicular to the building (but no lower than a height eight feet above the walkway at the bottom of the sign), or~~

on the face of the awning or canopy, or in the window of the retail establishment in a style and scale common of main street or marketplace architecture.

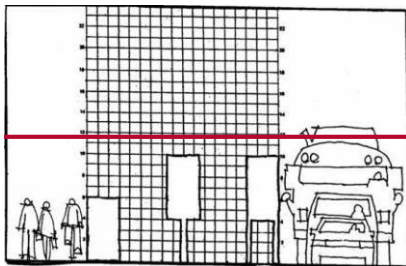
(e) Freestanding signs must be landscaped around the base of the sign. Each sign shall have a landscaped area twice the size of the sign area. Landscaping may be reduced by 50 percent if landscaping is contained in a raised planter around the base of the sign. Raised planters must be at least 18 inches high. The landscaping, sign base or planter shall be protected from vehicles by a six-inch high curb stop or sidewalk edge at least three feet from the planter base.

(f) Freestanding signs should be integrated with and complement the walkway or train, entry or access road, or other area of intended visibility.

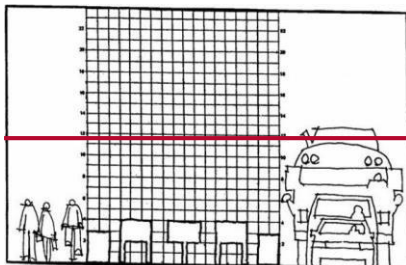
(g) Signs should be designed to be read by motorists or pedestrians in accordance with sign height limitations as shown in the following graphics:

Freestanding options:

• Blade, pedestal, and sign pole

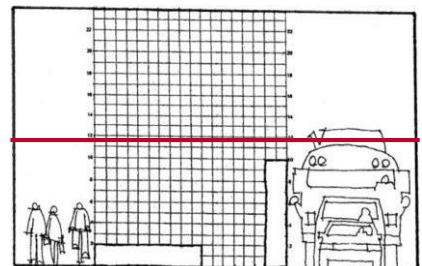


Sandwich, political, and real estate—residential



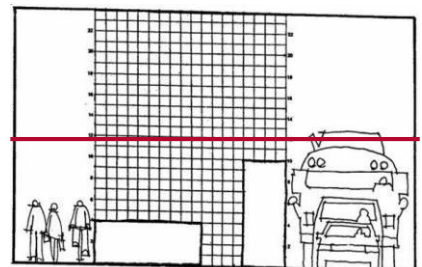
Blade—preferred option:

• Two-foot module



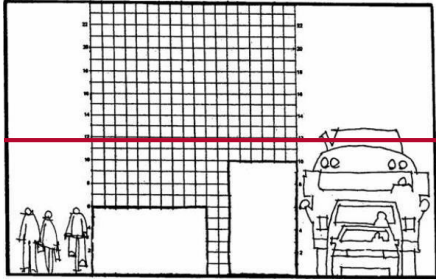
Blade—preferred option:

• Fourfoot module

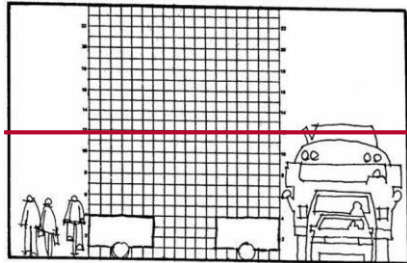


Blade—preferred option:

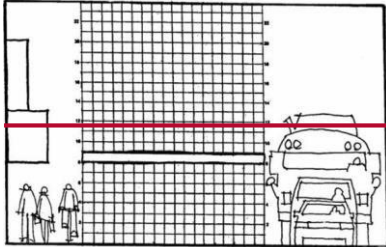
- Six-foot module



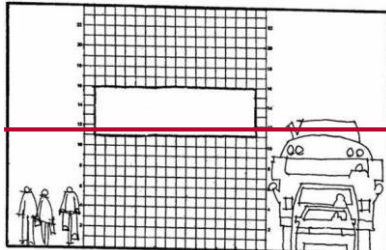
Reader board—portable



Awning and projecting



Wall sign



22.98.114.1 Building elevation.

“Building elevation” means the visible vertical plane of the side of a building from ground level to the roof line.

22.98.114.2. Building façade.

“Façade” means the elevation of a building extending from the ground level up to the bottom of the fascia on a pitched roof building, and up to the top of the wall or parapet on a flat roof building. The area of a building façade for purposes of calculating allowable wall signage includes the area of the windows and doors but excludes openings that do not have solid coverings, such as breezeways, colonnades and gateways that extend through, or to the backside of, the building.

22.98.114.3. Building fascia.

“Building fascia” means any flat horizontal member or molding with little projection, or any relatively narrow vertical surface (frieze) or board under a roof edge or which forms the outer surface of a cornice, visible to an observer.

22.98.114.4 Building frontage.

“Building Frontage” means the ground floor horizontal distance of a building or portion thereof occupied by a tenant. Building frontage shall only be measured along a ground floor wall that has a customer entrance that faces and has access onto a public open space, such as a courtyard or plaza; or is adjacent to a public street, or adjacent to a driveway or parking lot that serves that use. If any building frontage does not consist of one straight line, the frontage of any offset portion shall be projected, for computation purposes, to the extension of the line of the most forward face of the building.

22.98.286.1 Flag.

“Flag” means a piece of cloth, attached to a staff, with distinctive colors, patterns or symbols, used as a national or state symbol.

22.98.286.2 Flag canopy.

“Flag canopy” means a line of flags, or a series of lines of flags, suspended above a site.

22.98.299 Frontage.

“Frontage” means the property line of an individual lot, tract or parcel that abuts a public or private street right-of-way, excluding alleys and private driveways. The number of frontages on a

lot is the same as the number of public or private street rights-of-way that the lot abuts. ~~all property fronting on one side of a dedicated public street and measured along the property line adjoining a street right-of-way, or all property fronting and including one side of a private (nondedicated) street, between intersecting or intercepting streets, or between a street, the end of a cul-de-sac street, or a city boundary.~~

22.98.322 Grade, natural.

“Grade, natural” means the topographic condition or elevation of a site or portion of a site over the past five years, or the finished grade of an approved site development plan. Changes to grade or elevation resulting from fill, mounding or berming within five years preceding any requested permit other than a site development plan shall not be considered natural grade for permitting purposes.

22.98.332 Halo illuminated.

“Halo illuminated” means a light source placed behind totally opaque letter or symbol so that the light reflects off the wall or background to which the letters or symbols are mounted rather than emanating through the letters or symbols, creating a halo effect that leaves the letters or symbols viewable in silhouette form only.

22.98.437.1 Luminance.

“Luminance” means the photometric quality most closely associated with the perception of brightness. Luminance is measured in candelas per square meters or “nits.”

22.98.437.2 Mansard.

“Mansard” means a roof with two slopes on each side of the four sides, the lower steeper than the upper.

22.98.441 Marquee.

“Marquee” means a permanent structure attached to, supported by, and projecting from a building and providing protection from the elements. ~~The term “marquee” shall include a canopy and service station pump island.~~

22.98.441.1 Master sign plan.

“Master Sign Plan” means a coordinated sign plan that includes the details of all signs (not including exempt or temporary signs) that are or will be placed on a site.

22.98.461 Motion.

“Motion” means the depiction of movement or change of position of text, images or graphics. Motion shall include, but not be limited to, visual effects such as dissolving and fading text and images, running sequential text, graphic bursts, lighting that resembles zooming, twinkling or sparkling, changes in light or color, transitory bursts of light intensity, moving patterns or bands of light, expanding or contracting shapes and similar actions.

22.98.467 Night-time hours.

“Night-time hours” means from one-half hour before sunset to one-half hour after sunrise.

22.98.467.1 Nits.

“Nits” means a unit of measure of brightness or luminance. One nit is equal to one candela/square meter.

22.98.469 Nonresidential.

“Nonresidential zone” means, in the context of Chapter 22.26 FMC, any zone that does not include residential dwelling units except for mixed use zoning districts where residential units are located above or behind nonresidential uses and the ground floor streetscape is characterized by commercial and other nonresidential uses.

22.98.476.1 Opaque.

“Opaque” means a material that does not transmit light from an internal illumination source.

22.98.506 Parapet.

“Parapet” means a protective wall or barrier projecting above any canopy, balcony or roof. ~~false front or wall extension above the roofline.~~

22.98.467.1 Raceway.

“Raceway” means a box-type conduit to house electrical wires for signs and used to support and/or affix signage on a wall.

22.98.610 Roadway.

“Roadway” means that portion of the street ~~a highway~~ improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalks and/or shoulder. Where there are curbs, the roadway is the curb to curb width of the street. ~~even though persons riding bicycles may use the sidewalk or shoulder. In the event a highway includes two or more separated roadways, the term “roadway” shall refer to any such roadway separately but shall not refer to all such roadways collectively.~~

22.98.611 Roofline.

“Roofline” means the uppermost edge of the roof or the top of the parapet, excluding mechanical equipment screens, whichever is highest. Where a building has several roof levels, the roof line shall be the one belonging to that portion of the building on which the sign is located ~~top edge of a roof or parapet or the top line of a building silhouette.~~

22.98.648. Sign.

“Sign” means letters, figures, symbols, trademarks, or logos, with or without illumination, intended to identify any place, subject, person, firm, business, product, article, merchandise or point of sale. A sign also includes balloons attached to sign structures, products, streamers, spinners, pennants, flags, inflatables or similar devices intended to attract attention to a site or business, as well as architectural or structural forms, illuminated panels, spandrels, awnings and other structural or architectural features not common to classic vernacular or non-corporate regional architecture and that are intended to convey a brand, message or otherwise advertise a location or product, whether or not such features include text or graphics and whether or not they serve other practical purposes such as lighting, covering or enclosure of persons or products. A sign includes any device which streams, televises or otherwise conveys electronic visual messages, pictures, videos or images, with or without sound or odors. Refer to FMC 22.26.026 for a list of prohibited signs.

22.98.648.1 Sign, abandoned.

“Sign, abandoned” means a sign, ~~that no longer correctly directs or exhorts any person nor advertises a bona fide business, lessor, owner, product or activity conducted or available on the premises whereon such sign is located.~~ the face of which has been removed or is broken and is not refaced within 180 days thereafter. Abandoned signs shall also include signs with rusted, faded, peeled, cracked or otherwise deteriorated materials or finishes that have not been repaired within 90 days after the City provides notice of the sign’s deteriorated condition under FMC 22.26.009.

22.98.648.2 Sign, accessory.

“Sign, Accessory” means a permanent, free standing or building mounted sign of limited height and size that provides supplemental opportunity for free standing or building mounted signage on a site.

22.98.648.3 Sign alteration.

“Sign alteration” means a change to the copy, color, size, shape, illumination, position, location, construction or supporting structure of a sign, not including ordinary maintenance.

22.98.648.42 Sign area.

“Sign area” means the smallest square, rectangle, parallelogram or circle that will enclose the extreme limits of writing, representation, logo, or any figure of similar character, together with any frame, background area, structural trim, or other materials or color forming an integral part

of the display or used to differentiate such sign from the background against which it is placed. The supports or uprights on which any such sign is supported shall not be included in determining the sign area. The area of signs with two faces shall be considered to be the area of the largest face. The area of signs with three or more faces shall be considered to be the area of the largest face or 1/2 the area of all of the faces, whichever is less. For sign copy that has varying sizes of letters or graphics, the sign area may be calculated by combining two or more geometric shapes. ~~entire area of a sign on which advertising copy, logos, trademarks, and business or corporate colors are to be placed. Sign structures and associated architectural embellishments, framework and decorative features which contain no written or advertising copy, which are not illuminated and which contain no logos or trademarks shall not be included. Sign area shall be calculated by measuring the area of the smallest rectangle, circle, triangle or parallelogram that can be drawn around all parts of the sign from the viewpoint exposing the largest sign surface area, including the sign face background, and including all spaces and voids between or within letters or symbols which comprise a single word, statement, description, title, business name, graphic symbol or message. Sign supporting structures, which are part of the sign display, shall be included in the area of calculation. Only one side of a double-faced sign shall be calculated as sign area.~~

22.98.648.3 Sign, business.

~~“Sign, business” means a sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold, or offered upon the premises where such sign is located, or to which it is affixed.~~

22.98.648.4 Sign, changing message center.

~~“Sign, changing message center” means an electronically controlled public service time and temperature sign, message center, or reader board where different copy changes of a public service or commercial~~

22.98.648.5 Sign, awning, canopy or marquee.

“Sign, Awning, Canopy or Marquee sign” means a sign affixed to or imprinted on a temporary shelter or a permanent architectural projection, such as an awning, canopy or marquee, composed of rigid or non-rigid materials on a supporting framework, affixed to the exterior wall of a building, extending over a door, entrance, window or outdoor service area.

22.98.648.5 Sign, construction.

~~“Sign, construction” means a limited duration sign designating the contractor(s), architect(s),~~

~~and/or engineer(s) participating in a construction project underway on the same premises. A construction sign may also include the name of the project.~~

22.98.648.6 Sign, changeable copy.

“Sign, changeable copy” means a sign or portion thereof that is designed to have its message or copy readily changed manually or by remote or automatic means without altering or replacing the face or surface.

Changeable copy signs support hard-copy text or graphics and do not use digital or electronic text or images.

~~22.98.648.6 Sign, directional.~~

~~“Sign, directional” means a sign solely designated to direct pedestrians or vehicular traffic.~~

22.98.648.7 Sign, digital.

“Sign, digital” means a changeable copy sign with monochrome LED (light emitting diodes) text, graphics or symbols over a black, non-illuminated background.

~~22.98.648.7 Sign, double faced.~~

~~“Sign, double faced” means a sign with that has advertising copy on opposite sides of a single display surface or sign structure.~~

~~22.98.648.8 Sign, electrical.~~

~~“Sign, electrical” means a sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.~~

~~22.98.648.9 Sign, electronic.~~

~~“Sign, electronic” means a sign designed to allow changes in the sign graphics electronically.~~

22.98.648.10 Sign, flashing.

“Sign, flashing” means an electrical sign or portion thereof, except electronic message center signs, that changes light intensity in a sudden transitory burst, or that switches on and off in a constant pattern in which more than one-third of the non-constant light source is off at any one time., random, or irregular pattern or contains motion or the optical illusion of motion by use of electrical energy. ~~Changing message centers shall not be considered flashing signs.~~

22.98.648.11 Sign, freestanding.

“Sign, freestanding” means a sign and its support pole or base standing directly on the ground that is independent from any building or other structure. ~~permanently attached directly to the ground upon a base or foundation or supported by uprights or braces placed on or in the ground. (Also called blade, pedestal, monument, or pole sign.) Signs attached to fences or other~~

structures that are not defined as

~~22.98.648.12 Sign, garage or yard sale.~~

~~“Sign, garage or yard sale” means a sign advertising a private sale of personal household possessions; not for the use of any commercial venture.~~

22.98.648.13 Sign height.

“Sign height” means the vertical distance measured from the adjacent grade at the base of the sign support to the highest point of the sign or sign structure.

~~22.98.648.14 Sign, identification.~~

~~“Sign, identification” means a sign of an informational nature that directs attention to certain uses other than individual private residences. Identification signs may be used for, but are not limited to, business or public facilities.~~

22.98.648.15 Sign, monument.

“Sign, monument” means a freestanding low profile sign designed with a solid base and background consistent with FMC 22.26.017(b).

~~22.98.648.15 Sign, incidental private.~~

~~“Sign, incidental private” means a sign placed for the convenience of the property owner used for the sole purpose of designating property control and warning signs such as “no trespassing,” “no dumping,” “patrolled by dogs,” etc.~~

22.98.648.16 Sign, neon.

“Sign, neon” means a sign with illumination affected by a light source consisting of a neon or other gas tube which is bent to form letters, symbols or other shapes.

~~22.98.648.16 Sign, incidental public.~~

~~“Sign, incidental public” means a sign placed for the convenience of the public used for the sole purpose of designating restrooms, hours of operations, entrances and exits to buildings and parking lots, help wanted, public telephones, public notary, etc. Also included are plaques, tablets or inscriptions that are an integral part of a building.~~

22.98.648.17 Sign, nonconforming.

“Sign, nonconforming” means any sign, which at one time conformed to all applicable requirements and standards of Chapter 22.26 FMC, including all permit requirements, but which subsequently ceased to so conform due to changes in such requirements and standards.

~~22.98.648.17 Sign, limited duration.~~

~~“Sign, limited duration” means a real estate sale/rental sign or construction sign displayed for a limited period of time while a property is listed for sale or rent, or while construction activity is occurring on a site.~~

22.98.648.18 Sign, pan channel.

“Sign, pan-channel” means a sign graphic that is constructed of a three-sided metal channel, usually having a light source contained within the channel. The open side may face inward, resulting in silhouette lighting, or it may face outward to allow full illumination. The open side of the channel may be enclosed with a translucent material.

~~22.98.648.18 Sign, nameplate.~~

~~“Sign, nameplate” means a sign which indicates no more than the name, address and home occupation of the resident of the premises.~~

22.98.648.19 Sign, permanent.

“Sign, Permanent” means a sign constructed of weather resistant material and intended for permanent use and that does not otherwise meet the definition of “temporary sign.” Wall mounted sign holders designed for insertion of signs and posters shall be considered permanent signage and subject to all standards of this chapter.

~~22.98.648.19 Sign, off premises.~~

~~“Sign, off premises” means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located, or to which it is affixed.~~

22.98.648.20 Sign, pole mounted.

“Sign, pole mounted” means a sign mounted on a weighted base, intended to be movable.

~~22.98.648.20 Sign, political.~~

~~“Sign, political” means a temporary sign that identifies a candidate for public elective office; urges a particular vote on a ballot measure in a pending public election, whether local, state or national; or expresses an opinion on a public issue.~~

22.98.648.21 Sign, portable.

“Sign, portable” means a free-standing sign that is readily moveable and not permanently affixed to the ground, including A-frame or sandwich board signs, pole signs mounted on weighted bases, and similar signs that are used on more than a temporary basis. ~~an unlighted business sign including paper, cardboard, wood or metal, that is capable of being moved easily and that is not permanently affixed to the ground, structure or building.~~
This includes a sidewalk or sandwich board sign, except those worn by a person.

~~22.98.648.22 Sign, principal.~~

~~“Sign, principal” means a business sign that may be freestanding, wall-mounted, or projecting.~~

22.98.648.23 Sign, projecting.

“Sign, projecting” means a sign attached to a building with the face not parallel to the vertical surface of the building. Projecting signs include signs projecting directly from walls, or signs hanging from porch ceilings or other support structures. ~~business sign, other than a wall sign, that is attached to and projects outward from the wall of a building.~~

~~22.98.648.24 Sign, reader board.~~

~~“Sign, reader board” means a lighted or unlighted business sign or part of a sign on which the letters are readily replaceable such that the copy can be changed from time to time at will.~~

~~22.98.648.25 Sign, reader board portable.~~

~~“Sign, reader board portable” means a lighted or unlighted business sign or part of a sign on which the letters are readily replaceable such that the copy can be changed from time to time at will. A portable reader board is capable of being moved easily or trailer-mounted and is not permanently affixed to the ground, structure or building.~~

~~22.98.648.26 Sign, real estate.~~

~~“Sign, real estate” means a temporary sign erected by the owner, or his/her agent, that advertises the real estate upon which the sign is located for rent, lease or sale, or directing people to the property.~~

22.98.648.28 Sign, roof mounted.

“Sign, roof mounted” means a sign that has a point of attachment to the roof or mansard of a building. Architectural projections, including mechanical equipment screens, above any parapet or roof line whose sole function is a background for signs shall be considered a sign structure. A sign on such an architectural projection shall be considered a roof mounted sign. ~~business sign erected upon or above a roof, parapet, or fascia of a building or structure. Mansard roof signs shall be considered wall signs.~~

22.98.648.30 Sign, service island.

“Sign, service island” means a permanent sign displayed on the service island canopy, spandrel or island spanner of a service station.

22.98.648.31 Sign, special event.

“Sign, special event” means temporary signs or advertising displays or a combination thereof that advertises or attracts public attention to a special one-time event.

22.98.648.32 Sign, temporary.

“Sign, temporary” means any sign that is used temporarily and is not permanently mounted,

painted or otherwise affixed, excluding portable signs as defined by this Chapter, including any poster, banner, placard, feather sign, stake sign or sign not placed in the ground with concrete or other means to provide permanent support, stability and rot prevention. Temporary signs may only be made of non-durable materials including, but not limited to, paper, corrugated board, flexible, bendable or foldable plastics, foamcore board, vinyl canvas or vinyl mesh products of less than 20 oz. fabric, vinyl canvas and vinyl mesh products without polymeric plasticizers, and signs painted or drawn with water soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to the permanent sign regulations of this Chapter.~~any real estate, special event, garage sale, construction, or political sign displayed for a limited period of time.~~

22.98.648.33 Sign, Under-canopy.

“Sign, under-canopy” means a sign that is placed under an awning, marquee or canopy, and is placed perpendicular to the storefront so that it oriented to pedestrians on a sidewalk or an internal walkway.

22.98.648.343 Sign, wall.

“Sign, wall” means a sign that is attached parallel to or painted on a wall, including parapet or canopy fascia, or a building.~~attached or erected parallel to and extending from the facade or wall of any building to which it is attached. A wall sign is supported through its entire length with the exposed face of the sign parallel to the plane of said wall or facade. A sign painted on the wall of a building or a sign painted or attached to a marquee, canopy or awning shall be considered a wall-mounted sign.~~

22.98.648.35 Sign width.

“Sign width” means the total horizontal dimension of a sign, including all frames or structures.

22.98.648.364 Sign, window.

“Sign, window” means a sign that is attached to or is intended to be seen in, on or through a window of a building and is visible from the exterior of the window.~~mounted on, painted on, or attached to a window, or is placed within three feet of the inside of a window or opening, or is within an enclosed display window (i.e., the display area in the window is separated from the main floor area by a wall, curtain or screen).~~

22.98.652 Site.

“Site” means a unit of land, together with all improvements thereon, determined as follows:

A unit of land that may be conveyed separately from any and all adjacent land without the requirement of approval of a boundary line adjustment, short plat or a preliminary plat.

Two or more buildings or business activities that are or will be related to each other

physically or architecturally, such as by sharing off-street parking facilities, so as to form an integrated development, such as a shopping center, industrial park, or office complex.

22.98.658.1 Spandrel.

“Spandrel” means a panel or box-type structure that spans between and/or is connected to the support columns of a porch, colonnade or canopy, usually for architectural embellishment and/or signage purposes.

22.98.687 Street right-of-way.

“Street right-of-way” means the strip of land platted, dedicated, condemned, established by prescription or otherwise legally established for the use of pedestrians, vehicles or utilities. ~~a recorded strip of land which is occupied or dedicated to be occupied by a public street, including sufficient property reserved for utilities, transmission lines, sidewalks, bike lanes and other similar uses.~~

22.98.698 Tenant space.

“Tenant space” means the entire building which encompasses a building or use on a site; or in buildings designed for multi-tenant occupancy, it is the space between demising walls and which has an independent entrance to common corridors or to the outside. Portions of tenant spaces that are sublet to or otherwise allowed to be used by persons or businesses other than the principle person or business of a tenant space are not considered tenant spaces in the context of this chapter.

22.98.715 Unshielded lighting.

“Unshielded lighting” means an external illumination source which is exposed to view.

22.98.760 Window.

“Window” means the entire window unit including individual sashes or panes that might otherwise divide the area between the head, jamb and sill; except that in commercial storefront window assemblies, a single “window” is the glass area between each mullion that divides the window assembly, whether installed as a single piece of glass or as multiple pieces of glass divided by muntins.

City of Fircrest Sign Code Update

Comparison between Existing and Proposed Regulations

April 11, 2017

Sign Regulation	Current Sign Code	Proposed Sign Code
22.26.008 Legal nonconforming signs	Allowed to remain until sign is removed, moved, or structurally or electrically changed	Same as current code, except that such signs must be brought into conformance: (1) When a building or property containing a legal nonconforming sign is enlarged or remodeled to a value of 25 percent or more of existing assessed valuation of real property improvements; (2) When the use of a building or property containing a legal nonconforming sign changes from one type of business or other tenancy to another type of business or other tenancy; (3) When a new business or other tenancy is established after a building or property containing a legal nonconforming sign is vacated for a period exceeding 90 days; or (4) When an existing business containing a legal nonconforming sign changes ownership. <u>Purpose:</u> To speed up conversion of nonconforming signs to conforming to achieve community character goals. <u>Practical Implications:</u> The most noticeable change under item (4) would be conversion of pole to monument signs. Estimated 8 pole signs affected. 4 additional "ground-hugging" pole signs could be readily converted to conforming monument designs. Nonconforming monument signs and wall signs installed with permits after the code was last updated in 2003 would be exempt from item (4) requirement in recognition that they are close to compliance with new code and represent fairly recent investments. Roughly 65 (e) wall signs In Fircrest (Group 3). Perhaps as many as 9 signs on 7 properties could be affected. More analysis required to get precise number.
22.26.010 Classification and regulation of signs	Signs may be classified as entry/exit/incidental, identification, limited duration, and temporary.	Signs may be classified as: Accessory signs; Awning, canopy and marquee signs; Changeable copy signs; Digital signs; Freestanding signs; Portable signs; Projecting signs; Service island signs; Temporary signs; Under-canopy signs; Wall signs; or Window signs. <u>Purpose:</u> To classify signs based on configuration or characteristics instead of content.

Sign Regulation	Current Sign Code	Proposed Sign Code
22.26.010 Classification and regulation of signs	Sign allowance table specifies types of signs allowed in three zone groups, the number and size/height allowed, and other limitations.	Sign allowance table would be deleted and replaced by a table that simply specifies where each sign type would be allowed: - Group 1: Non-residential and non-commercial zones including PROS and GC; properties within R zones developed for churches, schools, parks or municipal buildings - Group 2: Residential properties in R zones - Group 3: Properties within commercial or mixed use zones <u>Purposes:</u> To eliminate duplication in current code (sign standards are provided in sign allowance table AND in separate text). To provide clearer (and consistent) standards for each sign type in its own section.
22.26.011 Sign standards applicable to all signs	General provisions cover a limited number, but wide range, of issues	More in-depth explanations provided for measuring sign area, sign height, sign structure and installation, and sign placement. <u>Purpose:</u> To place common standards for a variety of sign types in one location rather than repeating them for each sign type in numerous sections.
22.26.012 Illumination standards	Internal illumination standards specify that light sources shall be fluorescent tubing. Internally lit signs shall minimize luminance transmittance so that signs have darker backgrounds with lighter lettering or symbols. Nighttime illumination allowed in CC and CO zones more than 300 feet from a residence.	Code would no longer require one particular light source (fluorescent tubes). <u>Purpose:</u> Provide flexibility for sign manufacturers to continually upgrade lighting technology to maximize efficiency and performance. Internal illumination standards would continue to encourage darker backgrounds, but would do so with incentives (signs with darker backgrounds could be taller and larger than signs with lighter backgrounds). <u>Purpose:</u> Provide greater flexibility for businesses that wish to use “standard” corporate signage with light backgrounds, albeit it at smaller scale in some cases. Maximum light output would be set at 100 nits (a unit of brightness or luminance). <u>Intent:</u> This level is bright enough for the sign to serve its intended purpose without it becoming a distracting beacon. Nighttime illumination no longer allowed except for existing legally established signs. <u>Purpose:</u> Support energy conservation and dark sky goals.

Sign Regulation	Current Sign Code	Proposed Sign Code
22.26.013 Accessory signs	Directional signs are regulated.	<i>Accessory sign</i> regulations would replace directional sign provisions. <u>Purpose:</u> <i>Reed</i> compliance – content neutral. <i>Drive-through large accessory sign</i> provisions added. <u>Purpose:</u> This new sign type is recommended given the expectation that Fircrest will receive future applications for drive-throughs in the CMU zone. <i>Internal sign</i> provisions added. <u>Purpose:</u> A new sign type is recommended given the expectation that Fircrest will receive future applications for larger-scale projects that could benefit from regulations governing internal signs such as wayfinding or directional signs. The “internal sign” type would be content neutral.
22.26.014 Awning, canopy and marquee signs	One awning sign not to exceed 20 SF allowed. Classified as a secondary sign – two of which are allowed for a single tenant.	One awning, canopy or marquee sign allowed per primary entrance to tenant space, plus one sign allowed per secondary entrance facing public street or parking lot. Maximum sign area based on percentage of building façade length specified in Table 3 in Section 22.26.023 (wall signs). Maximum wall sign area applies to the combined area of all wall signs plus awning, canopy and marquee signs. Not allowed in Group 2 residential areas. <u>Purpose:</u> Provide more explicit design standards to improve sign design quality and legibility while also providing greater latitude in terms of number and size. Practical result may be that some businesses will qualify for more signage that existing code would allow.
22.26.015 Changeable copy signs	One reader board sign not to exceed 20 SF allowed. Classified as a secondary sign – two of which are allowed for a single tenant.	Changeable copy signs may be used in lieu of, or as part of, freestanding signs and wall signs, subject to limits on number, size, height and location. Not allowed in Group 2 residential areas. <u>Purpose:</u> Provide more explicit design standards to improve sign design quality and legibility while providing greater opportunity for their use.

Sign Regulation	Current Sign Code	Proposed Sign Code
22.26.016 Digital signs	Freestanding "changing" signs allowed in C zones.	Digital (changing message) signs allowed in nonresidential zones and on nonresidential properties subject to size, brightness, motion/programming limits. <u>Purpose:</u> Provide more explicit design standards to minimize potential visual impacts.
22.26.017 Freestanding signs	One freestanding "static" sign not to exceed 60 SF per single tenant building. One freestanding "static" sign not to exceed 60 SF per 150' of frontage - multiple tenant building. Internally lit signs shall minimize luminance transmittance so that signs have predominantly darker backgrounds with lighter lettering or symbols. 10' maximum height.	One freestanding sign allowed per 150 feet of frontage regardless of number of tenants or buildings. 150-foot separation required for multiple signs. Variable size limits (area and height) based on frontage length. Properties with longer frontages qualify for larger/taller signs. Variable size limits also based on lightness/darkness of sign background. Darker backgrounds qualify for taller/larger signs. Size range from 24 SF/4' height (light background on frontage <100 feet) to 60 SF/8' height (dark background on frontage >275 feet). Monument design required. Signs ≥6' in height require substantial framing, including top, middle and bottom elements. Signs <6' are exempt from framing requirement. Sign copy must be at least one foot above grade to allow for required landscaping at base. <u>Purpose:</u> Accommodate tenants wishing to use "standard" corporate signage, provide incentives to use preferred signage (darker backgrounds), establish more stringent design standards for taller monument signage to enhance community character. Keep signage more in scale with properties.
22.26.018 Portable signs	Temporary portable reader board signs allowed for special events for schools, churches, parks and businesses limited to 4' height and 18 SF area.	Allowed to be displayed during business or operating hours only. Must be durable material (not made of temporary sign material). Not allowed in Group 2 residential zones unless classified as temporary signs. Sandwich board and pole-mounted signs limited to 4' height and 3' width. One sign per tenant, located within 12' of primary building entrance or, if the building is visually obscured, may be placed along street frontage with 50' separation and owner permission. Feather signs permitted in lieu of sandwich board or pole-mounted sign. Limited to 13' height. Spacing no closer than 100 feet apart. All properties may qualify for a feather sign regardless of frontage length. Permitted only in the CMU Zone. <u>Purpose:</u> Provide more flexibility for use of portable signs while ensuring the result is not excessive clutter.

Sign Regulation	Current Sign Code	Proposed Sign Code
22.26.019 Projecting signs	Projecting signs allowed in commercial districts. Limited to one sign not exceeding 30 SF.	One projecting sign per tenant space or building frontage visible from street or customer parking lot. May be used in lieu of, or in addition to wall, awning, canopy or marquee signs. 12 SF maximum area. Maximum projection 8' when horizontal orientation used. Maximum projection 42" to 5' when vertical orientation used. Minimum spacing 25'. <u>Purpose:</u> Encourage use of projecting signs subject to explicit design standards. Banner signs allowed w/ spacing closer than 25' when integrated w/ building. <u>Purpose:</u> Encourage use of artistic statements achieved through signage. One sign on canopy per street frontage, not to exceed 20% of the area of canopy fascia.
22.26.020 Service Island signs	Fuel price informational signage permitted up to 2 SF. Other signs regulated as wall signage (up to two 20 SF signs allowed).	Spandrel and canopy support signage limited to 20% of area of spandrel and canopy support area. The combined area of these signs is subtracted from the wall sign area otherwise permitted on the principal building on the site. <u>Purpose:</u> Added flexibility for larger facilities.
22.26.021 Temporary signs	Regulated by sign type (sandwich, window, wall banner), location/activity, (open house, special event, R or C zones, and political. Typically limited to 4' height, 6 SF, and 1-4 signs per site depending on use.	Temporary signs must be made of non-durable materials and are limited to 180 days. Size (height and area) and placement standards vary depending on location – city property, city street ROW outside of the roadway (area designed for vehicular travel), residential areas, and non-residential areas. Regulations provided for temporary window signs (e.g., 10% of window covered by signage), freestanding signs (8 SF, 4' in height, at least 100 feet apart), and surface mounted signs (32 SF attached to walls, fences, etc. in commercial areas). <u>Purpose:</u> <i>Reed</i> compliance – content neutral.
22.26.022 Under-canopy signs	Not directly regulated	One sign per entrance allowed under awnings, canopies or marquees in commercial zones. 8' clearance required under sign. May be used in lieu of, or in addition to, wall, awning, canopy or marquee signs. <u>Purpose:</u> Provide another means by which to highlight entrances in a safe and effective manner.

Sign Regulation	Current Sign Code	Proposed Sign Code
22.26.023 Wall signs	Single or multi-tenant building may have one principal wall sign up to 80 SF or two secondary wall signs up to 20 SF each.	No distinction made as to primary or secondary signage. Variable area based on building façade length. Properties with longer facades qualify for larger area. Variable area also based on lightness/darkness of sign background. Darker backgrounds qualify for larger area. Size limit for light background sign -- 1.5 sf of sign area per linear foot of storefront, tenant space, or building wall, not to exceed 75 sf. See Table 3. Size limit for dark background sign -- 2.0 sf of sign area per linear foot of storefront, tenant space, or building wall, not to exceed 100 sf. See Table 3. Design standards govern location/placement on building so as to avoid conflict with important architectural details. <u>Purpose:</u> Provide more explicit design standards to enhance community character. Provide greater flexibility by not limiting the number of individual signs and by allowing more signage on larger buildings on a proportional basis.
22.26.024 Window signs	Regulated as limited duration signs. Maximum 25% window coverage.	Window signs are included in the wall sign maximum area limits set forth in Section 22.26.023. In addition, standards and guidelines set forth in FMC 22.64.020 Display Windows apply where applicable. Solid or opaque backgrounds not allowed. Categories revised per Model Sign Code.
22.26.025 Exemptions	Numerous categories exempted.	<u>Purpose:</u> Generally for Reed compliance -- content neutral. Categories revised per Model Sign Code.
22.26.026 Prohibited signs	Numerous categories prohibited.	<u>Purpose:</u> Generally for Reed compliance -- content neutral. Definitions added, deleted and modified to reflect proposed sign code provisions.
22.98 Definitions	Terms defined in Definitions chapter.	<u>Purpose:</u> Generally for internal code consistency.

**CITY OF FIRCREST
ORDINANCE NO. 1598**

AN ORDINANCE OF THE CITY OF FIRCREST, WASHINGTON, AMENDING ORDINANCE 1322 SECTION 1 (PART) AND FMC 22.26.001, AMENDING ORDINANCE 1473 SECTION 1 AND FMC 22.26.002, AMENDING ORDINANCE 1322 SECTION 1 (PART) AND FMC 22.26.003, AMENDING ORDINANCE 1473 SECTION 2 AND FMC 22.26.004, AMENDING ORDINANCE 1322 SECTION 1 (PART) AND FMC 22.26.005, AMENDING ORDINANCE 1322 SECTION 1 (PART) AND FMC 22.26.006, AMENDING ORDINANCE 1322 SECTION 1 (PART) AND FMC 22.26.007, AMENDING ORDINANCE 1490 SECTION 1 AND FMC 22.26.008, AMENDING ORDINANCE 1473 SECTION 3 AND FMC 22.26.009, AMENDING ORDINANCE 1490 SECTION 2 AND FMC 22.26.0010, AMENDING ORDINANCE 1533 SECTION 1 AND FMC 22.26.0011, AMENDING ORDINANCE 1322 SECTION 1 (PART) AND FMC 22.26.012, AMENDING ORDINANCE 1322 SECTION 1 (PART) AND FMC 22.26.013, AMENDING ORDINANCE 1322 SECTION 1 (PART) AND FMC 22.26.014, AMENDING ORDINANCE 1322 SECTION 1 (PART) AND FMC 22.26.015, AMENDING ORDINANCE 1322 SECTION 1 (PART) AND FMC 22.26.016, AMENDING ORDINANCE 1322 SECTION 1 (PART) AND FMC 22.26.017, ADDING NEW SECTION FMC 22.26.018, ADDING NEW SECTION FMC 22.26.019, ADDING NEW SECTION FMC 22.26.020, ADDING NEW SECTION FMC 22.26.021, ADDING NEW SECTION FMC 22.26.022, ADDING NEW SECTION FMC 22.26.023, ADDING NEW SECTION FMC 22.26.024, ADDING NEW SECTION FMC 22.26.025, ADDING NEW SECTION FMC 22.26.026, ADDING NEW SECTION FMC 22.26.027, REPEALING ORDINANCE 1322 SECTION 4 AND FMC 22.64.041, ADDING NEW SECTION FMC 22.98.114.1, ADDING NEW SECTION FMC 22.98.114.2, ADDING NEW SECTION FMC 22.98.114.3, ADDING NEW SECTION FMC 22.98.114.4, ADDING NEW SECTION FMC 22.98.286.1, ADDING NEW SECTION FMC 22.98.286.2, AMENDING ORDINANCE 1375 SECTION 9 AND FMC 22.98.299, ADDING NEW SECTION FMC 22.98.322, ADDING NEW SECTION FMC 22.98.332, ADDING NEW SECTION FMC 22.98.437.1, ADDING NEW SECTION FMC 22.98.437.2, AMENDING ORDINANCE 1322 SECTION 10 AND FMC 22.98.441, ADDING NEW SECTION FMC 22.98.441.1, ADDING NEW SECTION FMC 22.98.461, ADDING NEW SECTION FMC 22.98.467, ADDING NEW SECTION FMC 22.98.467.1, ADDING NEW SECTION FMC 22.98.469, ADDING NEW SECTION FMC 22.98.476.05, AMENDING ORDINANCE 1322 SECTION 13 AND FMC 22.98.506, ADDING NEW SECTION FMC 22.98.581, AMENDING ORDINANCE 1375 SECTION 38 AND FMC 22.98.610, AMENDING ORDINANCE 1375 SECTION 39 AND FMC 22.98.611, AMENDING ORDINANCE 1322 SECTION 21 AND FMC 22.98.648, AMENDING ORDINANCE 1322 SECTION 22 AND FMC 22.98.648.1, AMENDING ORDINANCE 1322 SECTION 23 AND FMC 22.98.648.2, AMENDING ORDINANCE 1322 SECTION 24 AND FMC 22.98.648.3, AMENDING ORDINANCE 1322 SECTION 25 AND FMC 22.98.648.4, AMENDING ORDINANCE 1322 SECTION 26 AND FMC 22.98.648.5, AMENDING ORDINANCE 1322 SECTION 27 AND FMC 22.98.648.6, AMENDING ORDINANCE 1322 SECTION 28 AND FMC 22.98.648.7, REPEALING ORDINANCE 1322 SECTION 29 AND FMC 22.64.648.8, REPEALING ORDINANCE 1322 SECTION 30 AND FMC 22.64.648.9,

AMENDING ORDINANCE 1322 SECTION 31 AND FMC 22.98.648.10,
 AMENDING ORDINANCE 1322 SECTION 32 AND FMC 22.98.648.11,
 REPEALING ORDINANCE 1322 SECTION 33 AND FMC 22.64.648.12,
 AMENDING ORDINANCE 1322 SECTION 34 AND FMC 22.98.648.13,
 REPEALING ORDINANCE 1322 SECTION 35 AND FMC 22.64.648.14,
 AMENDING ORDINANCE 1322 SECTION 36 AND FMC 22.98.648.15,
 AMENDING ORDINANCE 1322 SECTION 37 AND FMC 22.98.648.16,
 AMENDING ORDINANCE 1322 SECTION 38 AND FMC 22.98.648.17,
 AMENDING ORDINANCE 1322 SECTION 39 AND FMC 22.98.648.18,
 AMENDING ORDINANCE 1322 SECTION 40 AND FMC 22.98.648.19,
 AMENDING ORDINANCE 1322 SECTION 41 AND FMC 22.98.648.20,
 AMENDING ORDINANCE 1322 SECTION 42 AND FMC 22.98.648.21,
 REPEALING ORDINANCE 1322 SECTION 43 AND FMC 22.64.648.22,
 AMENDING ORDINANCE 1322 SECTION 44 AND FMC 22.98.648.23,
 REPEALING ORDINANCE 1322 SECTION 45 AND FMC 22.64.648.24,
 REPEALING ORDINANCE 1322 SECTION 46 AND FMC 22.64.648.25,
 REPEALING ORDINANCE 1322 SECTION 47 AND FMC 22.64.648.26,
 AMENDING ORDINANCE 1322 SECTION 49 AND FMC 22.98.648.28,
 AMENDING ORDINANCE 1322 SECTION 51 AND FMC 22.98.648.30,
 AMENDING ORDINANCE 1322 SECTION 52 AND FMC 22.98.648.31,
 AMENDING ORDINANCE 1322 SECTION 53 AND FMC 22.98.648.32,
 AMENDING ORDINANCE 1322 SECTION 54 AND FMC 22.98.648.33,
 AMENDING ORDINANCE 1322 SECTION 55 AND FMC 22.98.648.34, ADDING
 NEW SECTION FMC 22.98.648.35, ADDING NEW SECTION FMC 22.98.652,
 ADDING NEW SECTION FMC 22.98.658.1, AMENDING ORDINANCE 1246
 SECTION 27 AND FMC 22.98.687, ADDING NEW SECTION FMC 22.98.698,
 ADDING NEW SECTION FMC 22.98.715, AND ADDING NEW SECTION FMC
 22.98.760

WHEREAS, on June 18, 2015, the US Supreme Court issued a decision in Reed v. Town of Gilbert, wherein the court held that a town sign code that treats various categories of signs differently based on the information they convey violates the First Amendment; and

WHEREAS, the City's special land use counsel has recommended the City amend its code to comply with the Supreme Court decision and ensure the City's regulations are content neutral; and

WHEREAS, on July 11, 2016, staff presented general information concerning Reed v. Town of Gilbert and the need for the City to review its existing sign regulations and amend them as necessary to comply with the US Supreme Court decision; and

WHEREAS, planning staff and consultant have reviewed the City's existing sign code, a Model Sign Code recently prepared by Fircrest special land use counsel, Carol Morris, and other municipal sign codes, to identify how best to respond to the US Supreme Court decision; and

WHEREAS, planning staff and consultant have identified a number of additional provisions that would benefit from updating in order to improve clarity, simplify

administration, achieve more attractive and effective signage, and provide greater flexibility for property owners and tenants with respect to the sign types, sizes and locations that may be permitted; and

WHEREAS, at their regular meetings of November 1, 2016, December 6, 2016, and January 3, 2017, the Planning Commission held study sessions to review proposed amendments to the City's sign regulations and associated definitions; and

WHEREAS, the City's Responsible Official issued a proposed Preliminary Determination of Non-Significance (DNS) on January 12, 2017 with a 14-day comment period ending January 25, 2017, and no comments were received prior to the comment deadline; and

WHEREAS, the City submitted a Notice of Intent to Adopt Amendment to the Department of Commerce on January 11, 2017 to initiate a 60-day state agency review period ending March 10, 2017, and as of the date of this recommendation, had not received any comments;

WHEREAS, on January 12, 2017, a Notice of Public Hearing for the proposed amendments was published in the Tacoma Daily Index and mailed to owners of business located within Fircrest; and

WHEREAS, the Commission has held a public hearing on this proposal on February 7, 2017, considered public comment, reached consensus on revisions to the draft amendments, and has examined pertinent maps, drawings, and documents; and

WHEREAS, the Planning Commission has made the following Findings of Fact and Conclusions of Law:

(a) The proposed amendments are consistent with the goals, objectives and policies of the Comprehensive Plan. Signage installed under the amended regulations will help achieve community character goals, objectives and policies by ensuring that future signage will be attractively designed, installed and maintained. The amended regulations will help achieve economic development goals, policies and objectives as expressed in the Comprehensive Plan by supporting the development and redevelopment of neighborhood commercial areas and commercial mixed use centers that are inviting to residents, employers, employees and shoppers. Signage allowed under the proposed regulations is intended to provide sufficient visibility for land uses of all types in various locations.

(b) The amended sign code will promote, rather than detract from, the public health, safety, morals and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral and nondiscriminatory sign standards and requirements. This code is intended to:

(1) Promote and accomplish the goals, policies and objectives of the city's Comprehensive Plan and Land Development Code;

- (2) Provide minimum standards in order to safeguard life, health, property and public welfare, and promote traffic safety by controlling the design, quality of materials, construction, illumination, size, location and maintenance of sign and sign structures;
- (3) Recognize free speech rights by regulating signs in a content-neutral manner;
- (4) Promote the free flow of traffic and protect pedestrians, cyclists and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting and/or illegible signage;
- (5) Protect the beauty of the city's built environment by encouraging signs that are compatible with the architectural style, characteristics and scale of the building to which it may be attached, and to encourage signs that are compatible with adjacent buildings and businesses;
- (6) Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape;
- (7) Provide consistent sign design standards;
- (8) Encourage creative and innovative approaches to signage, and signs that are of a quality design, pleasing in appearance and appropriate in size, materials and illumination to the surrounding neighborhood;
- (9) Provide an improved visual environment for the citizens of and visitors to the city; and
- (10) Adopt clear, understandable regulations that enable the fair and consistent enforcement of the code.

WHEREAS, the City Council conducted a public hearing on April 11, 2017 to accept public testimony and comment on the proposed amendments; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF FIRCREST DO ORDAIN AS FOLLOWS:

Section 1. Ordinance 1322 §1 (part) and FMC 22.26.001 are hereby amended to read as follows:

22.26.001 Intent and purpose.

(a) Intent. Signs have a strong visual impact on the character and quality of the community. As a prominent part of the scenery, they attract or repel the viewing public and affect the safety of motorists, cyclists and pedestrians. Their suitability or appropriateness helps to set the tone for a neighborhood. The city relies upon its scenery and physical beauty to attract commerce; aesthetic considerations assume economic value. It is the intent of the city, through this chapter, to protect and enhance the city's historic and residential character and its economic base through the provision of appropriate and aesthetic signage. In addition, it is the intent of the city to regulate the size, type and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic and enhance pedestrian and cyclist.

(b) Purpose. The purpose of this chapter is to promote the public health, safety and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral and nondiscriminatory sign standards and requirements. This chapter has also been adopted to:

- (1) Promote and accomplish the goals, policies and objectives of the city's Comprehensive Plan and Land Development Code;
- (2) Provide minimum standards in order to safeguard life, health, property and public welfare, and promote traffic safety by controlling the design, quality of materials, construction, illumination, size, location and maintenance of sign and sign structures;
- (3) Recognize free speech rights by regulating signs in a content-neutral manner;
- (4) Promote the free flow of traffic and protect pedestrians, cyclists and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting and/or illegible signage;
- (5) Protect the beauty of the city's built environment by encouraging signs that are compatible with the architectural style, characteristics and scale of the building to which it may be attached, and to encourage signs that are compatible with adjacent buildings and businesses;
- (6) Protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape;
- (7) Provide consistent sign design standards;
- (8) Encourage creative and innovative approaches to signage, and signs that are of a quality design, pleasing in appearance and appropriate in size, materials and illumination to the surrounding neighborhood;
- (9) Provide an improved visual environment for the citizens of and visitors to the city; and
- (10) Adopt clear, understandable regulations that enable the fair and consistent enforcement of this chapter.

Section 2. Ordinance 1473 §1 and FMC 22.26.002 are hereby amended to read as follows:

22.26.002 Applicability and interpretation.

This chapter applies to all signs as defined in Chapter 22.98 FMC, within the city that are visible from any street, sidewalk or public place, regardless of the type or nature. This chapter is not intended to, and shall not be interpreted to, restrict speech on the basis of its content, viewpoint, or message. Any classification of signs in this chapter that purports to permit speech by reason of the type of sign, identity of the sign user or otherwise, shall be interpreted to allow commercial or non-commercial speech on the sign. No part of this chapter shall be construed to favor commercial speech over non-commercial speech. To the extent that any provision of this chapter is ambiguous, the term shall be interpreted not to regulate speech on the basis of the content of the message.

Section 3. Ordinance 1322 §1 (part) and FMC 22.26.003 are hereby amended to read as follows:

22.26.003 Application procedures.

Sign permit review is classified as a Type II-A application. The processing procedures for this type of application are described in Chapters 22.05, 22.06, 22.07, 22.08, 22.09 and 22.10 FMC.

Section 4. Ordinance 1473 §2 and FMC 22.26.004 are hereby amended to read as follows:

22.26.004 Permit requirements and approval authority.

(a) No sign shall hereafter be erected, re-erected, constructed, altered, or maintained, except as provided by this chapter. A sign permit shall be obtained prior to any sign being erected, re-erected, constructed, or altered, unless said sign is exempt from the permit requirements of this chapter pursuant to FMC 22.26.025. In addition, a building permit shall be obtained prior to the installation or modification of any sign for which a building permit is required under the International Building Code. A separate permit shall be required for each non-exempt sign installed, except if a sign is part of a group of signs being installed at one time on a single supporting structure, only one permit shall be required.

(b) The director may approve, approve with conditions, modify and approve with conditions, or deny an application for a sign permit. A sign permit shall be approved when the director has determined that a proposed sign will comply with all requirements of this chapter and, when applicable, the requirements of the International Building Code.

(c) Duration of a Sign Permit. In the event that a sign permit has not been exercised and the operations authorized under the sign permit have not been completed or substantially completed within 180 days after the date of the permit, the sign permit shall be automatically null and void. (d) Interpretation. In all applications for sign permits where a matter of interpretation arises, the most restrictive definition shall prevail.

Section 5. Ordinance 1322 §1 (part) and FMC 22.26.005 are hereby amended to read as follows:

22.26.005 Submittal requirements.

Application for a sign permit shall be submitted on forms provided by the department with the following items:

(a) Two copies of a scaled site plan showing the location of the affected lot, building(s) and sign(s);

(b) Two copies of a scaled drawing of the proposed sign or sign revision showing dimensions, area, height, structural footing details, method of attachment, type of illumination, and other construction details;

(c) Two copies of supporting documentation including material specifications, calculation for dead load and wind pressure, photographs or photo simulations of site and building marked to show where sign is proposed, and any other information required by the director to ensure compliance with applicable code requirements;

(d) Written consent of the sign owner and the owner of the building, structure, or property where the sign is to be erected;

(e) A nonrefundable filing fee in accordance with the planning services fee schedule established by council resolution;

(f) Documentation demonstrating that the sign installer has a valid Washington State contractor's license when a sign requires a building permit, unless the sign is being installed by the owner of the sign.

The director may waive submission of specific plans, specifications or supporting documentation when such information is not necessary to determine compliance with applicable code requirements.

Section 6. Ordinance 1322 §1 (part) and FMC 22.26.006 are hereby amended to read as follows:

22.26.006 Master sign plans.

(a) Before a sign permit may be issued for any commercial multi-tenant building constructed after the effective date of this chapter, or for any existing multi-tenant building whose exterior will be altered to the degree that existing signage will be replaced, a master sign plan shall be submitted to, and approved by, the city. Master sign plans shall be approved through the site plan review, development plan review, or conditional use permit process, as appropriate. Existing multi-tenant buildings may have master sign plans approved by the director in order to simplify the permitting process for individual signs at a later date. Individual buildings located within a multi-building complex may have separate master sign plans.

(b) Master sign plans shall indicate the amount, location, and type of signage allocated to each tenant space. The number of sign types, such as awning signs, cabinet signs, individual graphics, pan-channel sign graphics, sandblasted or carved wood signs, flat wood signs with hand painted or vinyl graphics, and neon signs, shall be limited to ensure visual continuity from one tenant space to the next within a building. If more than one sign type is used on a single building, the sign types shall have at least two of the following design elements in common with each other:

- (1) Common colors on the background or text;
- (2) Common lettering style;
- (3) Common size (e.g., a specified height common to each sign); or
- (4) Common materials.

(c) Criteria for Approval. All signs in the master sign plan must comply with Section 22.26.004 and meet the following criteria:

- (1) Signs shall be architecturally similar and visually related to each other through the incorporation of common design elements. Up to two sign types may be used on any one building. All sign cabinets, trim caps and all sign supports such as poles and braces shall be of a common color;
- (2) Signs shall be architecturally integrated with the buildings included in the master sign plan; and
- (3) Signs must not obscure the view of other signs that are consistent with this chapter.

Section 7. Ordinance 1322 §1 (part) and FMC 22.26.007 are hereby amended to read as follows:

22.26.007 Variances.

(a) Approval Required. A variance may be granted from the strict application of the regulations in this chapter that apply to: (1) sign placement on a parcel or building frontage; (2) sign area; or (3) sign height, as regulated in this chapter. A variance may not be granted to allow any prohibited signs as described in Section 22.26.027, or prohibited sign features, as described elsewhere in this chapter, or for any other purpose not listed in this subsection.

(b) Need for Sign Permit, Consolidation of Processing. A sign variance application may be submitted before or concurrent with the associated sign permit application. No sign permit application requiring a variance for issuance will be processed without a sign variance.

(c) A sign variance is classified as a Type III application. The processing procedures for this type of application are described in Chapters 22.05, 22.06, 22.07, 22.08, 22.09 and 22.10 FMC. In addition, a variance requested from any requirement in this chapter shall be processed in accordance with Chapter 22.74 FMC, except that the criteria for variance approval listed in FMC 22.74.003 shall not be used to determine whether a variance may be granted. Instead, a variance may only be approved if all of the following criteria are satisfied:

- (1) The request for a sign variance is due to unusual conditions pertaining to sign visibility needs for a specific building or lot;
- (2) The sign will be in keeping with the general character of the surrounding area;
- (3) The sign will not create a hazard;
- (4) The granting of the variance would not be materially detrimental to the property owners in the vicinity;
- (5) The variance sought is of minimum sign size, height, and scope to meet the conditions and needs of the applicant;
- (6) The granting of the variance would not be contrary to the objectives of the Comprehensive Plan, Title 22 Land Development, and this chapter;
- (7) The signage of the property in question cannot be adequately met under the literal interpretation and strict application of the chapter; and
- (8) The granting of the variance is necessary because of special circumstances relating to the property location, topography, shape and size, site distance and limited view to property.

(d) First Amendment Exception/Variance. Where an applicant can demonstrate that the strict application of the regulations in this chapter would violate his/her First Amendment rights, the city may grant a variance that does not conform to all of the variance criteria in subsection (c) above. However, the applicant shall submit an application that provides his/her response to each of the variance criteria in subsection (c). The city need not make findings that all of the variance criteria have been satisfied, but if not all criteria have been satisfied, the variance may only be granted to the extent reasonably necessary to protect the applicant's First Amendment rights. If a First Amendment Exception is granted, it shall be treated as an approval of a variance for purposes of this chapter.

Section 8. Ordinance 1490 §1 and FMC 22.26.008 are hereby amended to read as follows:

22.26.008 Nonconforming signs.

(a) Except for temporary signs, as defined herein, signs legally established prior to the adoption of this chapter that do not conform with the regulations provided herein with regard to type, number, size, height, illumination, location or other characteristics shall be allowed to remain as legal nonconforming signs until the sign is removed, moved or structurally or electrically changed, except such signs must be brought into conformance with this chapter:

(1) When a building, tenant, or property containing a legal nonconforming sign is enlarged or remodeled to a value of 25 percent or more of existing assessed valuation of real property improvements;

(2) When the use of a building, tenant or property containing a legal nonconforming sign changes from one type of business or other tenancy to another type of business or other tenancy;

(3) When a new business or other tenancy is established after a building or property containing a legal nonconforming sign is vacated for a period exceeding 90 days; or

(4) When an existing business containing a legal nonconforming sign changes ownership.

(b) In such cases where a nonconforming sign is moved or changed, the sign shall be treated as a new sign and subject to the requirements of this chapter. Changes to a sign face (e.g., a change in advertising copy) may be made to a nonconforming sign; provided, that such changes conform to this chapter in terms of colors, graphics, materials, illumination and other applicable standards. A sign permit for such changes must be obtained.

(c) Temporary signs, that do not conform with the regulations provided herein with regard to type, number, size, height, illumination, or location of signs, shall be brought into conformance with all applicable standards no later than 90 days from the effective date of the ordinance codified in this chapter.

Section 9. Ordinance 1473 §3 and FMC 22.26.009 are hereby amended to read as follows:

22.26.009 Maintenance, Removal and Enforcement.

(a) Maintenance. It is unlawful for any owner of record, lessor, lessee, manager or other person having lawful possession or control over a building, structure or parcel of land to fail to maintain any signs on the building, structure or parcel in compliance with this chapter.

(1) Sign maintenance. All signs, whether or not in existence prior to adoption of this chapter, shall be maintained. Maintenance of a sign shall include periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the sign permit issued for its installation and provisions of this chapter.

(2) Landscape maintenance. Required landscaped areas contained by a fixed border, curbed area or other perimeter structure shall receive regular repair and maintenance. Plant materials that do not survive after installation in required landscape areas are required to be

replaced within six months of the plant's demise or within the next planting season, whichever event first occurs.

(b) Removal. Any vacant and/or unused sign support structures, angle irons, sign poles or other remnants of signs that are currently not in use, or are not proposed for immediate reuse by a sign permit application for a permitted sign, shall be removed. In addition to the remedies in Chapter 22.95, the Director shall have the authority to require the repair, maintenance or removal of any sign or sign structure that has become dilapidated or represents a hazard to the safety, health or welfare of the public, at the cost of the sign and/or property owner.

(c) Enforcement. Violations of the provisions of this chapter shall be enforced according to Chapter 22.95 FMC.

Section 10. Ordinance 1490 §2 and FMC 22.26.010 are hereby amended to read as follows:

22.26.010 Classification and regulation of signs.

(a) Classification. Signs may be classified in the following general categories:

- (1) Accessory signs;
- (2) Awning, canopy and marquee signs;
- (3) Changeable copy signs;
- (4) Digital signs;
- (5) Freestanding signs;
- (6) Portable signs;
- (7) Projecting signs;
- (8) Service island signs;
- (9) Temporary signs;
- (10) Under-canopy signs;
- (11) Wall signs; or
- (12) Window signs.

(b) Regulation. No classification of sign shall be permitted to be constructed, erected or placed on any property unless it is listed as a permitted sign within the sign group applicable to the subject property as set forth in subsection (c) of this section or listed as an exemption in FMC 22.26.025.

(c) Sign Groups. For purposes of this regulation, the various sign groups are established as follows:

- (1) Group 1: Properties located within a PROS, GC, or other nonresidential or noncommercial zoning classification; properties located within an R-4, R-4-C, R-6, R-8, R-10-TCD, R-20, R-30, or other residential zoning classification established subsequent to adoption of this chapter that are developed for nonresidential uses such as schools, churches, parks and municipal buildings or facilities;
- (2) Group 2: Residentially developed properties located within an R-4, R-4-C, R-6, R-8, R-10-TCD, R-20, R-30, or other residential zoning classification established subsequent to adoption of this chapter; and
- (3) Group 3: Properties located within an NO, NC, CMU, or other commercial or mixed use zoning classification established subsequent to adoption of this chapter.

(d) Table 1 identifies the permitted types of signs by sign group. An “X” in the table indicates that the particular type of sign is allowed in a sign group. See applicable standards in the section noted for each sign type for specific requirements and for possible exceptions to the provisions below.

Table 1

Sign Type	Sign Group		
	Group 1(Non-residential and non-commercial)	Group 2 (Residential)	Group 3 (Commercial and mixed use)
Accessory	X ¹		X
Awning, canopy and marquee	X		X
Changeable copy	X		X
Digital	X		X
Freestanding	X		X
Portable	X	X ²	X
Projecting			X
Service island			X
Temporary	X	X	X
Under-canopy			X
Wall	X	X	X
Window	X	X ²	X

¹ Excluding large accessory signs

² Temporary only

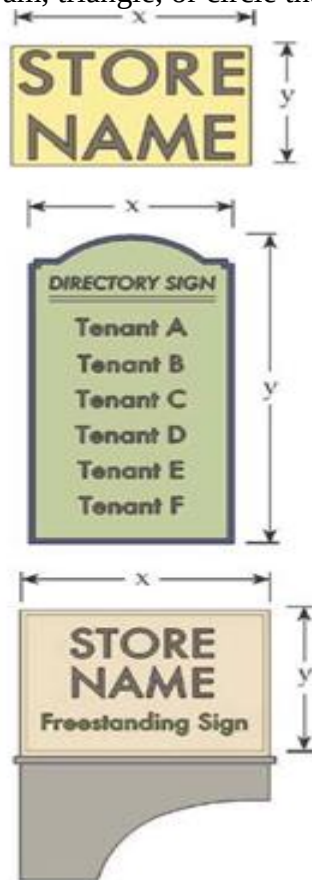
Section 11. Ordinance 1533 §1 and FMC 22.26.011 are hereby amended to read as follows:

22.26.011 Sign standards applicable to all signs.

(a) Sign Area. Sign area for all sign types is measured as follows:

(1) Background panel or surface. Sign copy mounted, affixed or painted on a background panel or surface distinctively painted, textured or constructed as a background for the sign copy, is measured as that area contained within the smallest square, rectangle,

parallelogram, triangle, or circle that will enclose the sign copy and the background, as



shown in

(2)

(3) **Figure 1.** For an irregular-shaped sign, the sign area may be calculated by combining two or more geometric shapes.

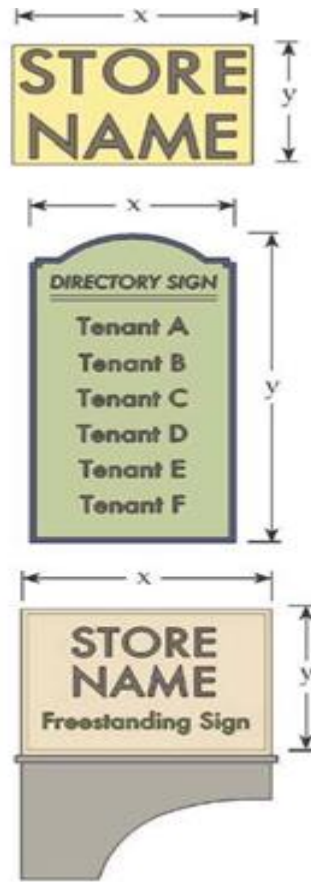


Figure 1

(2) Individual letters or graphics. Sign copy mounted as individual letters or graphics against a wall, fascia or parapet of a building or surface of another structure, that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, is measured as the sum of the smallest square, rectangle, parallelogram, triangle or circle that will enclose each word, name, sentence and complete message, and each graphic in the sign. For sign copy that has varying sizes of letters or graphics, the sign area may be calculated by combining two or more geometric shapes.

(3) Illuminated surface. Sign copy mounted, affixed or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element that contains sign copy, as shown in Figure 2. Such elements may include, but are not limited to, lit canopy fascia signs and/or interior lit awnings.

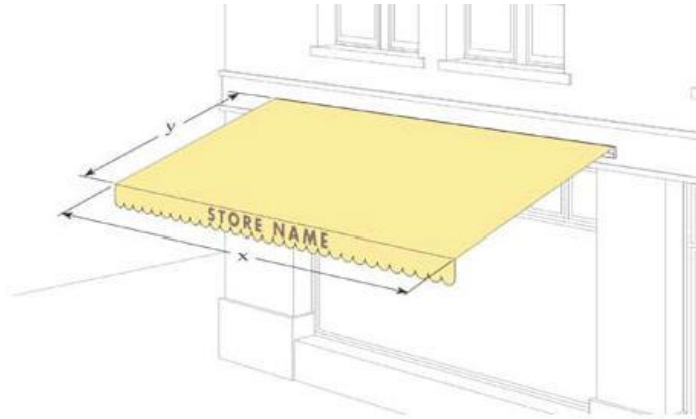


Figure 2

(4) Backlit translucent panels. Backlit translucent panels and spandrels, with or without text or graphics, are measured as the area of the height and width of any internally illuminated translucent panel, including the side panels if the structure or spandrel is greater than six inches in width.

(5) Multi-face signs. Multi-face signs, as shown in Figure 3, are measured as follows:

(A) Two face signs: If the interior angle between the two sign faces is 45 degrees or less, the sign area is of one sign face only. If the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces;

(B) Three or four face signs: The sign area is 50 percent of the sum of the areas of all sign faces; and

(C) Spherical, free-form, sculptural or other non-planar sign area is measured as 50 percent of the sum of the areas using only the four vertical sides of the smallest four – sided polyhedron that will encompass the sign structure. Signs with greater than four polyhedron faces are prohibited.

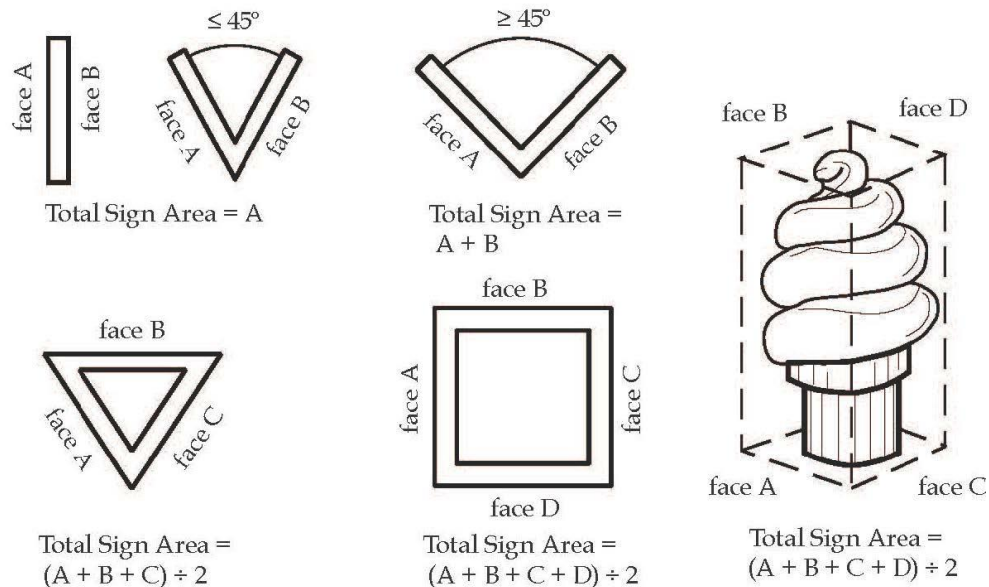


Figure 3

(b) Sign height measurement for freestanding signs. Sign height is measured as the vertical distance from natural grade at the base of a sign to the top of the sign, including the sign support structure; except that signs within 15 feet of an adjacent road may be measured as follows:

(1) If natural grade at the base of a sign is higher than the grade of the adjacent road, sign height shall be measured from the base of the sign as shown in Figure 4.

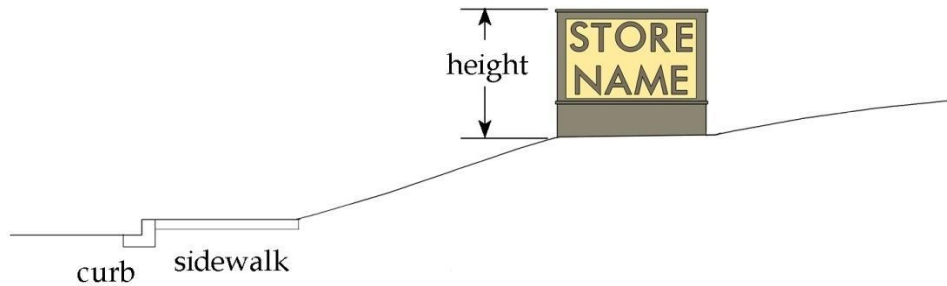


Figure 4

(2) If natural grade at the base of the sign is lower than the grade of an adjacent road, the height of the sign shall be measured from the top of curb or road-grade elevation, provided that fill is placed between the curb and the sign and extends at least five feet beyond the base of the sign in all directions, as shown in Figure 5.

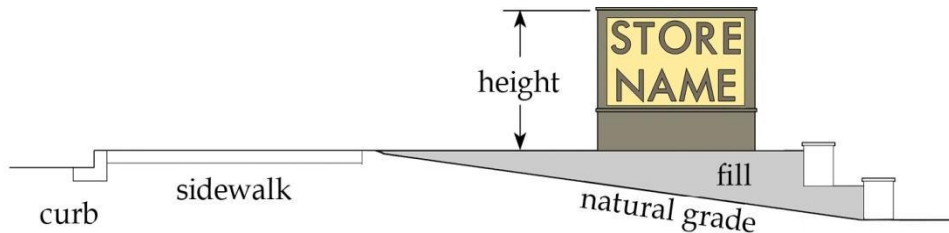


Figure 5

(c) Sign Structure and Installation.

(1) Support elements. Any angle iron, bracing, guy wires or similar features used to support a sign shall not be visible.

(2) Electrical service. When electrical service is provided to freestanding signs or landscape wall signs, all such electrical service is required to be underground and concealed. Electrical service to building mounted wall signs, including conduit, housings and wire, shall be concealed or, when necessary, painted to match the surface of the structure upon which they are mounted. A building permit (electrical) must be issued prior to the installation of any new signs requiring electrical service.

(3) Raceway cabinets. Raceway cabinets, where used as an element of building mounted wall signs, shall match the building color at the location of the building where the sign is located. Where a raceway cabinet provides a contrast background to sign copy, the colored

area is considered part of the sign face and is counted in the aggregate sign area permitted for the site or business. Examples of raceway cabinets are shown in Figure 6.



Figure 6

(4) Limitation on attachments and secondary uses. All permitted sign structures and their associated landscape areas shall be kept free of supplemental attachments or secondary uses including, but not limited to, supplemental signs not part of a permitted sign, light fixture, newspaper distribution racks or trash container. The use of sign structures and associated landscape areas as bicycle racks or support structures for outdoor signs is prohibited.

(d) Sign Placement.

(1) Signs shall not be placed or erected on or over any public street, public alley, or any other public property including rights-of-way or utility easements within the corporate limits of the city, except as expressly provided for in this chapter. Any sign placed upon private property shall require the permission of the property owner.

(2) No sign shall be erected or placed in a manner that will block or impair or impede pedestrian or vehicular traffic on streets, alleys, driveways, or points of ingress-egress, or conflict with the clear vision triangle standards in FMC 22.58.005.

(3) No sign may be mounted, attached or painted on a trailer, boat or motor vehicle that is parked, stored or displayed conspicuously on private premises in a manner intended to attract the attention of the public. This excludes signs that are permanently painted or wrapped on the surface of the vehicle, or adhesive vinyl film affixed to the interior or exterior surface of a vehicle window, or signs magnetically attached to motor vehicles or rolling stock that are actively used in the daily conduct of business. However, such vehicles shall be operable and parked in a lawful or authorized manner.

Section 12. Ordinance 1322 §1 (part) and FMC 22.26.012 are hereby amended to read as follows:

22.26.012 Illumination standards.

(a) General. No temporary sign may be illuminated. No sign located in Group 2 (residential) may be illuminated. Permanent signs allowed by this chapter may be non-illuminated, or illuminated by internal light fixtures, halo illuminated, or have external indirect illumination, unless otherwise specified. All illuminated signs shall comply with the time limitations of subsection d, below.

(b) Externally illuminated signs.

- (1) Except as provided in this subsection, externally illuminated signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare. Light shielding shall ensure that the lamp or light source is not visible beyond the premises and shall further ensure that the light is contained within the sign face.
- (2) A light fixture mounted above the sign face may be installed with its bottom opening tilted toward the sign face, provided:
 - (A) The bottom opening of the light fixture is flat (*i.e.*, it could be covered by a flat board allowing no light to escape); and
 - (B) The uppermost portion of the fixture's opening is located no higher than the top of the sign face, as shown in Figure 7 below. Light fixtures aimed and installed in this fashion shall be considered fully shielded.

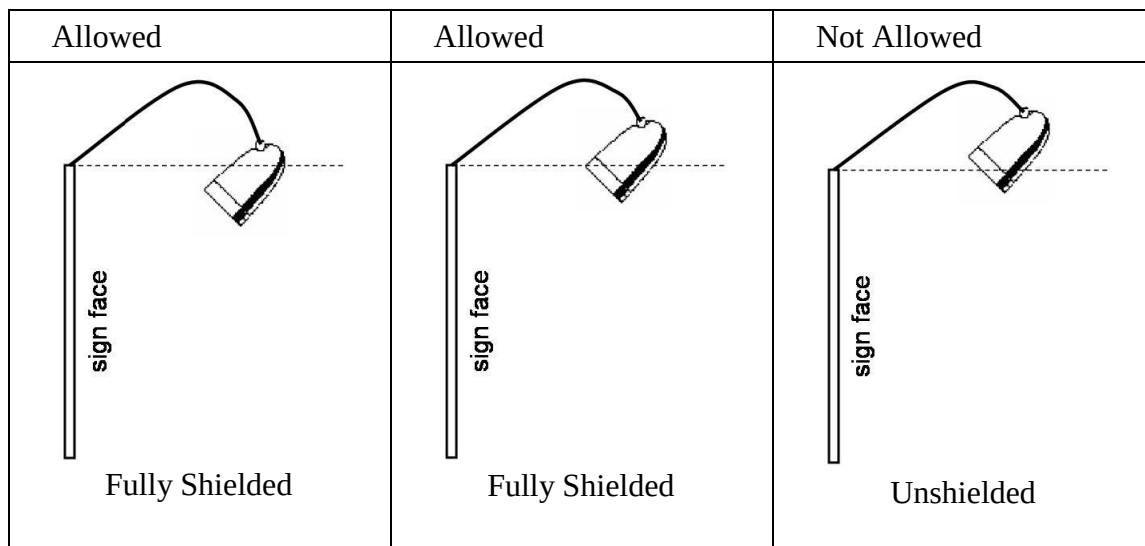


Figure 7

(c) Internally illuminated signs.

- (1) This chapter provides incentives to encourage internally illuminated signs to be constructed with an opaque background and translucent text and symbols (see Section 22.26.017(f) and Section 22.26.023(a)).
- (2) In no case may an internally illuminated sign or a digital sign exceed a light output of 100 nits in Group 1 (nonresidential/noncommercial) or Group 3 (non-residential) during nighttime hours.
- (3) Neon sign lighting is allowed in Group 3 (non-residential) only and shall not exceed 100 nits per sign face. Neon signs with solid backgrounds are not allowed in windows in order to ensure maximum light and visibility through windows.
- (d) Time limitations. All illuminated signs over three square feet in area shall be turned off by 11:00 p.m., or when the business closes, whichever is later. Signs subject to time limitations are required to have functioning and properly adjusted automatic shut-off timers.

Section 13. Ordinance 1322 §1 (part) and FMC 22.26.013 are hereby amended to read as

follows:

22.26.013 Accessory signs.

(a) Accessory Signs

- (1) Number. A maximum of one sign at each vehicle point of entry or egress, not to exceed four accessory signs per site.
- (2) Design. Non-illuminated or internal illumination only. Any accessory sign with electronic display must conform to all digital sign standards in Section 22.26.016.
- (3) Sign area. Maximum area three square feet per sign.
- (4) Wall sign height and mounting. Maximum height eight feet above grade; must be mounted flat against building wall.
- (5) Freestanding sign height. Maximum height three feet above grade (see Figure 8).
- (6) Location. Accessory signs may be permitted in Group 1 (nonresidential/noncommercial) and in Group 3 (commercial).



Figure 8

(b) Drive-Through Large Accessory Signs. In addition to the accessory signs allowed for vehicle points of entry and in addition to free-standing signs otherwise allowed under Section 22.26.017, large accessory signs are allowed for each point of entry to a drive-up window, subject to the following standards:

- (1) Sign area per drive-up point of entry. Maximum 48 square feet;
- (2) Sign height. Maximum six feet, including the associated sign structure;
- (3) Orientation. Must be oriented so the sign face is not visible from the street or public-right-of way;
- (4) Screening. All sides of sign must be screened from view from the street or public right-of-way with landscaping or walls of brick, stone or siding materials that match the principal walls of the building to which the sign applies. If landscaping is used for screening, it must provide full screening at maturity and must be large enough at planting to provide at least 75 percent screening of the sign;
- (5) Audio. No sound or amplification may be emitted that is audible beyond the site; and
- (6) Location. Drive-through large accessory signs may be permitted only in Group 3 (commercial).

(c) Accessory Structure Signs. A freestanding structure housing an activity that is accessory to the principal tenant of a site in Group 3, such as an ATM kiosk, shall be permitted wall signage, provided that the total wall sign area does not exceed the maximum allowed in FMC 22.26.023 Table 3.

(d) Internal Signs.

(1) Placement. Signs may be located on internal walkways or landscape islands provided they do not inhibit pedestrian movement along a pathway.

(2) Sign area. Maximum 15 square feet.

(3) Sign height. Maximum five feet.

(4) Design. Signs shall be designed in a uniform manner (within an individual center or complex) using consistent background color and typeface colors. Dark background colors with light colored text are required. See Figure 9 for examples.

(5) Location. Internal signs may be permitted in Group 1 (nonresidential/noncommercial) and Group 3 (commercial).



Figure 9

Section 14. Ordinance 1322 §1 (part) and FMC 22.26.014 are hereby amended to read as follows:

22.26.014 Awning, canopy and marquee signs.

(a) Awning, canopy and marquee signs may be used in place of permitted wall signs (except where otherwise specified herein), provided they comply with the following standards:

(1) Number. One awning, canopy or marquee sign is allowed for each primary entrance to a building or tenant space. In addition, one awning, canopy or marquee sign may be allowed on a secondary entrance that faces a public street or on-site parking area. (As used in this subsection, “street” excludes alleys and service ways.) The awning, canopy or marquee sign may only be placed on the ground floor level facade of the building;

(2) Sign Area. See Table 3 in Section 22.26.023 for maximum sign area for all awning, canopy, marquee and wall signs combined;

(3) Sign Width. The awning, canopy, or marquee sign shall not extend horizontally a distance greater than 60 percent of the width of the awning, canopy or valance on which it is displayed;

(4) Letter Height. The lettering height shall be proportional to the architectural features of the building and not exceed 8 inches in height. For example, it shall not be so large that it blocks windows or other significant architectural features of the building;

(5) Placement.

A. An awning or canopy sign may not be mounted higher than a maximum of 25 feet above the floor level of the ground floor (see Figure 10);

B. An awning or canopy sign shall not project above, below or beyond the edges of the face of the building wall or architectural element on which it is located;

C. No part of the sign, as a part of, or displayed on the vertical surface of an awning or canopy, shall project beyond the edges of the awning or canopy surface on which it is displayed. If an awning or canopy is placed on multiple tenant spaces, each tenant space is permitted signage no greater than 60 percent of the width of the tenant space;

D. Signs shall be placed on the front flap only rather than on the top-sloped awning area; and

E. Signs shall be placed a minimum of eight feet above the sidewalk or walkway;



Figure 10

(6) Illumination. If sign letters or logos are placed on an awning, canopy or marquee, only the face area containing the letters or logos may be illuminated. All illumination must be internal behind the surface of the awning, canopy or marquee. The sign may also be non-illuminated; and

(7) Location. Awning, canopy and marquee signs may be permitted in Group 1 (nonresidential/ noncommercial) and Group 3 (commercial).

Section 15. Ordinance 1322 §1 (part) and FMC 22.26.015 are hereby amended to read as follows:

22.26.015 Changeable Copy Sign.

Changeable copy signs (see Figure 11) may be used in place of permitted freestanding signs and wall signs (except where otherwise specified herein), provided they comply with the following standards:

(a) Number. A maximum of one changeable copy sign per parcel or group of parcels that form a center or complex, or other site or facility, except that additional changeable copy signs are permitted as follows:

(1) The additional changeable copy sign(s) must be placed at least 100 feet from abutting streets or rights-of-way; and

The additional changeable copy sign(s) must not exceed the maximum area, height, and quantity standards otherwise applicable to any free-standing or building mounted wall signs on the parcel.

(b) Sign area. A maximum 20 percent of the allowed wall sign area or 50 percent of a free standing sign face may be changeable copy (this does not apply to signs required by law). Wall mounted changeable copy signs placed at least 100 feet from abutting streets may be a maximum of 50 percent of permitted wall sign area.

(c) Sign height above grade. Limited to the maximum height allowed for freestanding signs and 15 feet maximum for wall signs.

(d) Placement/Location. Allowed only as an integral part of a wall sign or a freestanding sign.



Figure 11

(e) Illumination. Internally or indirectly illuminated, subject to the illumination standards in Section 22.26.012.

(f) Location. Changeable copy signs may be permitted in Group 1 (nonresidential/noncommercial) and in Group 3 (commercial).

Section 16. Ordinance 1322 §1 (part) and FMC 22.26.016 are hereby amended to read as follows:

22.26.016 Digital signs.

(a) Sign area. Maximum 16 square feet.

(b) Density. One digital sign per parcel or group of parcels that form a center or complex, or other site or facility, with street frontage of at least 150 feet.

(c) Luminance. Maximum 50 nits during nighttime hours.

(d) Motion limits. No motion except for instantaneous change of message.

(e) Hold between messages. Minimum eight seconds.

(f) Programming: To ensure that digital signs are programmed and continue to operate according to local standards, digital signs shall be designed for local on-site control and programming.

(g) Digital Signage Integration. Digital signage elements may be integrated into any freestanding sign or wall sign permitted in this section, provided no more than 50 percent of allowed sign copy area, not to exceed 16 square feet, may be used for digital purposes.

(h) Location: Digital signs may be permitted in Group 1 (nonresidential/noncommercial) and in Group 3 (commercial).

Section 17. Ordinance 1322 §1 (part) and FMC 22.26.017 are hereby amended to read as follows:

22.26.017 Freestanding signs.

- (a) Number. The number of freestanding signs for single and multiple tenant uses is derived from the location and length of development site frontage as described below:
- (1) One freestanding sign for each 150 feet of site frontage up to a maximum of three freestanding signs per frontage. Flag lot sites with frontage on a public street are permitted one sign only on the frontage providing primary access to the site.
 - (2) For properties with more than 300 feet of frontage and two or more freestanding signs, such signs shall be separated by at least 150 feet.
 - (3) Where more than one freestanding sign is proposed on a site with multiple frontages, a minimum of 60 linear feet shall separate a sign on one frontage from a sign on another frontage.
- (b) Sign form. Signs shall be designed so they appear firmly anchored to the ground. Examples include monument signs and other signs where the sign base has a minimum aggregate width of 40 percent of the sign cabinet or face, as shown in Figure 12.



Figure 12

- (c) Placement.
- (1) A minimum of five feet from the property line abutting a street, a minimum of 10 feet from any interior side lot line, or a minimum of 25 feet from any Group 1 (nonresidential or noncommercial) or Group 2 (residential) properties.
 - (2) No freestanding sign shall be located in a manner that will block or impair or impede pedestrian or vehicular traffic on streets, alleys, driveways, or points of ingress-egress, or conflict with the clear vision triangle standards in FMC 22.58.005.
- (d) Materials and Design. Signs shall be designed as an integrated architectural feature of the site as described and illustrated in Figures 13-14, below:
- (1) Framing. Signs must include design elements that effectively frame the sign on both sides. Alternatively, signs that have a substantial framing element on one side will meet this provision;
 - (2) Materials and Design. Signs shall include durable high quality materials and a design that relates to and/or complements the design of on-site buildings and/or is coordinated with other site design elements (such as distinctive lighting, monuments, internal signs); and
 - (3) Top/Middle/Bottom. Signs shall integrate a top, middle, and bottom element. The top should include a distinctive sign cap. The middle should include a consistent framing

technique for an individual sign or multiple signs in a multi-tenant center. The bottom should include a distinctive base design with special materials and/or design. These elements are less critical for signs less than six feet tall, which are exempt from this provision.



Figure 13

Signs including a frame and top/middle/bottom elements



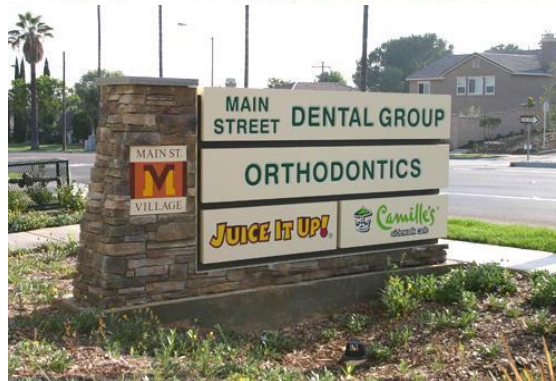


Figure 14

Signs featuring substantial framing elements on one side

Figure 15

Unacceptable signs

The sign on the left includes a base and a frame, but no identifiable top.

The middle sign and sign on the right fail to meet any of the design provisions above.

(e) Landscaping.

(1) Landscaping is required around the base of freestanding signs to enhance the character of street frontages. At least one square foot of landscaped area shall be provided per one square foot of sign area. Utilize plants and a maintenance program to minimize conflicts with the sign.

(2) Base Height Provision. The copy of all signage shall be at least one foot above grade to allow vertical space for the required landscape elements and enhance the visibility of sign copy. See Figure 16.

(3)



Figure 16

(f) Area and Height.

(1) Table 2 illustrates the maximum allowable sign area and height for all freestanding signs.

Table 2

Total ROW Frontage of Parcel (on each street)	Allowable Sign Area (White very light or unshaded background)	Allowable Sign Area (Black, dark or shaded background)	Maximum Height (White, very light or unshaded background)	Maximum Height (Black, dark or shaded background)
<100 Feet	24 sq. ft.	40 sq. ft.	4 feet	6 feet
100--275 Feet	32 sq. ft.	50 sq. ft.	5 feet	7 feet
>275 Feet	40 sq. ft.	60 sq. ft.	6 feet	8 feet

(2) Signs that employ shaded, opaque or dark background and light colored lettering for at least 50 percent of the sign copy are allowed larger sign areas, as they are found to be less visually intrusive than signs incorporating white or very light-colored background. Using a

CMYK color chart, signs that employ color numbers that add up to at least 20 (collectively) shall be considered as “shaded.” For example:

C=0, M=0, Y=0, K=20 = Shaded

C=10, M=0, Y=0, K=10 = Shaded

C=10, M=0, Y=0, K=0 = Not considered to be shaded

See Figure 17 below for examples. The black, dark, and shaded signs qualify for the extra sign area and height specified in the shaded columns of Table 2. The sign on the right with the white background is allowed but does not qualify for the “bonus” sign area and height and is subject to the sign area/ height limits in the unshaded columns in Table 2



Figure 17

(3) For those properties where more than one freestanding sign is allowed on a particular frontage per subsection (a) of this section, one sign may be installed per standards specified per the total ROW frontage of the parcel. The size and height of additional signs are based on the separation from the larger primary sign or other supplemental sign. For example, if a second sign is 250 feet from the larger primary sign, then it shall meet the standards for a sign that includes 100 through 299 feet of total ROW frontage of parcel as set forth in Table 2.

(g) Address Numbers. Legible address numbers are required on all freestanding signs. Such address numbers are exempt from sign area standards.

(h) Location. Freestanding signs may be permitted in Group 1 (nonresidential/noncommercial) and Group 3 (commercial).

Section 18. A new section FMC 22.26.018 is hereby adopted to read as follows:

22.26.018 Portable signs.

(a) Design and Materials: Portable signs must be designed with durable materials; otherwise they will be regulated as temporary signs under Section 22.26.021. Portable signs must be designed to withstand wind and include a heavy weighted base for pole-mounted signs, and a heavy weight suspended between the opposing faces of a sandwich board sign.

(b) Size and Height (See Figure 18).

1. Sandwich board signs: Maximum four feet in height and three feet in width. (Note: sandwich board sign height is measured in the flat standing position, rather than in open standing position.)

2. Pole-mounted signs: Maximum four feet in height and three feet in width.
3. Feather signs: Maximum 13 feet in height.

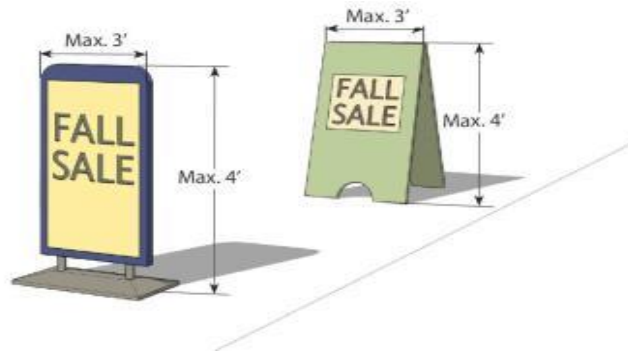


Figure 18

(c) Number, location and spacing:

1. Sandwich board or pole-mounted sign. One sandwich board or pole-mounted sign may be displayed per tenant space. Signs shall be located within 12 feet of the primary building entrance.
2. Feather Sign. A feather sign may be displayed In lieu of a portable sandwich board or pole-mounted sign. Spacing of feather signs shall be no closer than 100 feet apart on a property frontage as shown in Figure 19. Each property may qualify for one feather sign regardless of frontage length.



Figure 19

Feather signs shall be placed at intervals of no more than one sign per 100 lineal feet of frontage and located behind the sidewalk outside the public ROW.

(d) Placement: No portable sign may be located on city right-of-way, including sidewalk, without city approval. Such signs shall not be placed within a clear vision triangle (see Section 22.58.005) or any location that will impede vehicular traffic. Further, such signs shall not be placed in a manner that will block or otherwise obstruct the safe use of sidewalks, building entrances or stairs by pedestrians, including pedestrians who are visually impaired or otherwise handicapped.

(e) Display Hours: During business or operating hours only.

(f) Location: Portable signs (durable and temporary) may be permitted in Group 1 (nonresidential/ noncommercial) and Group 3 (commercial), and temporary portable signs

may be permitted in Group 2 (residential). Temporary portable signs are subject to the provisions of Section 22.26.021. Feather signs are permitted only in the CMU zone.

(g) Visually obscured building signage: In order to provide increased visibility for businesses and other tenants located in buildings that are visually obscured from public street frontage by an intervening building, sandwich or pole-mounted signs may be placed along the arterial street frontage in lieu of these signs being placed within 12 feet of the primary entrance to the rear building or business, subject to the following limitations:

1. The property is located within a CMU or NC zone.
2. Signs shall be placed on private property subject to the property owner's permission.
3. The number of signs shall be limited to one per tenant.
4. Spacing shall be no closer than 50 feet apart to minimize their visual impact.

Section 19. A new section FMC 22.26.019 is hereby adopted to read as follows:

22.26.019 Projecting signs.

(a) Projecting signs may be used in lieu of or in addition to wall, awning, canopy or marquee signs provided they comply with the following standards.

(1) Number.

(A) Projecting Signs. One projecting sign may be allowed per tenant space or building frontage that is visible from a street or customer parking lot. (B) Projecting Banner Signs. Multiple banner signs may be integrated on building if aligned with facade articulation elements (such as vertical columns or piers). See Figure 20 for examples.



Figure 20

- (2) Area. Maximum 8 square feet.
- (3) Orientation. Projecting signs may be either vertically or horizontally oriented. Projecting banner signs must be vertically oriented.
- (4) Projection. See Figure 21.
 - (A) Horizontally oriented signs shall not project more than eight feet;
 - (B) Vertically oriented signs shall not project more than 42 inches for single-story buildings or more than five feet for multi-story buildings;
 - (C) Signs may project over a sidewalk into a public right-of-way subject to city approval but shall not extend over a parking area or travel lane.

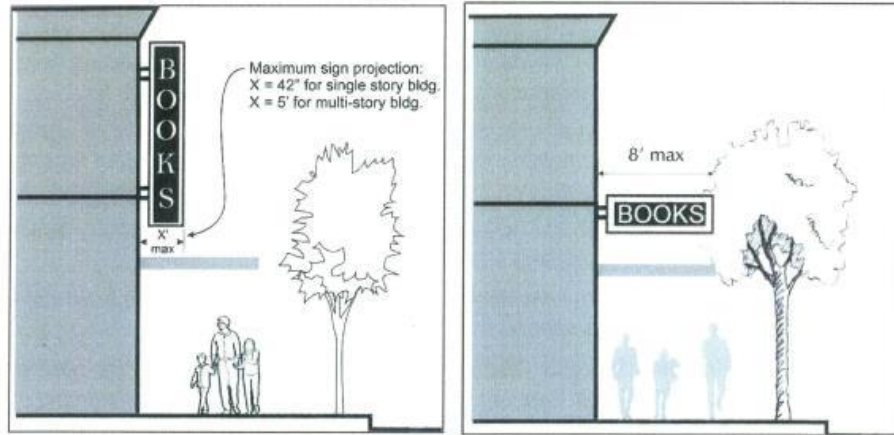


Figure 21

Standards for vertically (left) and horizontally oriented (right) projecting signs.

(5) Height.

(A) Horizontally oriented signs shall not exceed three feet.

(B) Vertically oriented signs shall not extend above the building parapet, soffit, the eave line or the roof of the building. See Figure 22 for unacceptable examples where signs project over the roofline and there is an excessive number of projecting signs resulting in unwanted clutter.



Figure 22

(6) Vertical Clearance. Signs shall be placed a minimum of eight feet above the sidewalk, walkway or driveway that is directly below the sign, or within three feet of the sign. See Figure 23.



Figure 23

(7) Placement.

(A) Projecting signs shall not be located directly in front of windows or in conflict with other signs or architectural features of the building.

(B) No projecting sign shall be located within 25 feet of another projecting sign on the same site or on the same building. Projecting banner signs may be spaced closer than 25 feet when they are aligned with facade articulation elements (such as vertical columns or piers).

(8) Mounting.

(A) Signs shall be mounted perpendicular to the building wall to which they are affixed.

(B) Signs shall be supported by or suspended from solid rods or otherwise tethered or reinforced to avoid movement in wind.

(9) Location. Projecting signs and projecting banner signs may be permitted only in Group 3 (commercial).

Section 20. A new section FMC 22.26.020 is hereby adopted to read as follows:

22.26.020 Service Island Signs.

(a) Number and Size.

(1) Island canopies. One sign on the canopy fascia per street frontage, not to exceed 20 percent of the area of canopy fascia to which the sign is mounted. See Figure 24.

(2) Spandrel signs and island spanner signs. Spandrel signs shall not exceed 20 percent of the spandrel area, and both spandrel signs and island spanner signs attached to canopy support columns shall be deducted from allowable wall signage on the associated principal building on the site.

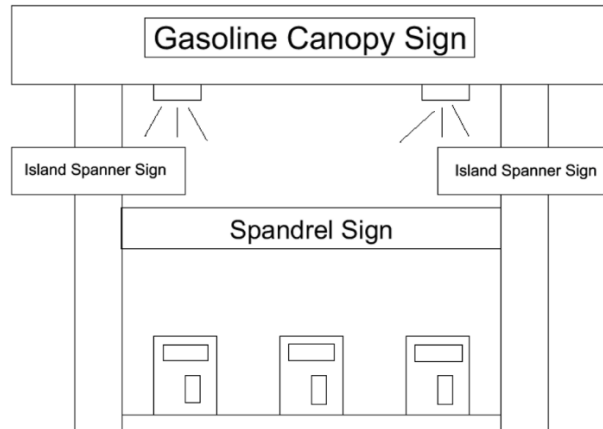


Figure 24

(b) Design. Spandrel signs may be internally illuminated, subject to the illumination standards of Section 22.26.012. Island spanner signs attached to canopy support columns shall not be illuminated.

(c) Location. Service island signs may be permitted only in Group 3 (commercial).

Section 21. A new section FMC 22.26.021 is hereby adopted to read as follows:

22.26.021 Temporary signs.

(a) No Permit required. No sign permit is required for temporary signs.

(b) Removal. Temporary signs shall be removed if the sign is in need of repair, is worn, dilapidated or creates a public nuisance. Signs installed for periods exceeding 180 days shall be modified to meet the applicable standards for permanent (non-temporary) signs or be removed.

(c) Materials. Temporary signs must be made of non-durable materials including, but not limited to, paper, corrugated board, flexible, bendable or foldable plastics, foam core board, vinyl canvas or vinyl mesh products of less than 20 oz. fabric, vinyl canvas and vinyl mesh products without polymeric plasticizers, and signs painted or drawn with water soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to the permanent sign regulations of this Chapter.

(d) Location.

(1) City property (excluding city right-of-way). Temporary signs on city-owned property excluding city right-of-way are allowed only in conjunction with an approved Special Event permit.

(2) City right-of-way outside of the roadway. Temporary signs on city right-of-way placed outside of the roadway must comply with the following requirements:

(A) Placement. Allowed only between the property line and the back of the nearest curb, or where no curb exists, between the property line and the nearest edge of the pavement.

Signs may not be placed on traffic islands, or on sidewalks, driveways or other paved areas designed for pedestrian or vehicular use, or as conditioned in a right-of-way use permit.

(B) Approval of abutting owner. Approval of the abutting owner is required.

(C) Type. Signs on stakes that can be manually pushed or hammered into the ground are allowed. All other signs are prohibited, unless specifically allowed by a right-of-way use permit.

(D) Area and height. Maximum four square feet in area and three feet in height.

(E) Dilapidated or nuisance signs. Any temporary sign in the right-of-way that is dilapidated or a nuisance shall be removed by the person responsible for placement of the sign.

(F) Other signs. The city may allow other signs in city right-of-way with a right-of-way use permit.

(3) Residential. Temporary signs may be placed in Group 2 (residential) in accordance with the requirements of this Section and the following:

(A) Window signs. Maximum one temporary window sign per residential unit, not to exceed four square feet in area.

(B) Freestanding signs (includes pole-mounted, stake-mounted and portable signs). Maximum six square feet in area and four feet in height. Spacing shall be no closer than 100 feet apart on a property frontage.

(C) Surface-mounted signs. Maximum one surface-mounted sign, not to exceed two square feet in area. Must be flatly affixed to walls below the fascia or parapet line, or flatly affixed to on-site fences either facing or abutting the street, or facing inward to the subject site. Signs shall not be attached or tethered to other site improvements.

(4) Non-residential. Temporary signs may be placed in Group 1 (nonresidential/noncommercial) and Group 3 (commercial) in accordance with the requirements of this Section and the following:

(A) Window signs. Maximum four square feet or 10 percent of the area of the window in which they are placed, whichever is greater.

(B) Freestanding signs (including pole-mounted, stake-mounted and portable signs). Maximum eight square feet in area and four feet in height. Spacing shall be no closer than 100 feet apart on a property frontage.

(C) Surface-mounted signs. Maximum 32 square feet in area. Must be flatly affixed to walls below the fascia or parapet line, or flatly affixed to on-site fences either facing or abutting the street, or facing inward to the subject site. Signs shall not be attached or tethered to other site improvements.

Section 22. A new section FMC 22.26.022 is hereby adopted to read as follows:

22.26.022 Under-canopy signs.

Under-canopy signs are placed under awnings, marquees or canopies and placed perpendicular to the storefronts and thus oriented to pedestrians on the sidewalk or an internal walkway. Under-canopy signs may be used in lieu of or in addition to wall, awning, canopy or marquee signs provided they comply with the following standards.(a) Number. One for each entrance.

(b) Width. Limited by the projection of the canopy. There shall be a one-foot minimum distance between the sign and the outer edge of the marquee, awning, or canopy and between the sign and the building facade.(c) Height. Maximum two feet in height.

(d) Vertical Clearance. Minimum of eight feet above the sidewalk or walkway. See Figure 25.



Figure 25

(e) Location. Under-canopy signs may be permitted only in Group 3 (commercial).

Section 23. A new section FMC 22.26.023 is hereby adopted to read as follows:

22.26.023 Wall signs.

(a) Area.

- (1) Group 1. Maximum 32 square feet.
- (2) Group 2. Maximum two square feet.
- (3) Group 3. Maximum area of wall, awning, canopy, or marquee signage on each building elevation is provided in Table 3 below.

Table 3

Maximum sign surface area (White, very light or unshaded background)	Maximum sign surface area (Black, dark or shaded background)
1.5 sf of sign area per linear foot of storefront, tenant space, or building wall, not to exceed 75 sf	2.0 sf of sign area per linear foot of storefront, tenant space, or building wall, not to exceed 100 sf

(b) Placement and Design.

- (1) Wall signs shall be centered, proportional, and shaped to the architectural features of the buildings. Signage shall not exceed 60 percent of the width of the wall plane upon which the sign is placed or the width of the tenant space, per Figure 26. Signage shall not exceed 70 percent of the height of the blank wall space or fascia on which the sign is located. These standards also apply to upper level tenant space.



Figure 26

(2) Wall signs shall not cover important architectural details of a building such as stair railings, windows, doors, building trim, or special ornamentation features. Preferred areas for installation of wall signs include blank areas above canopies, areas between vertical piers or columns, blank areas under a gabled roof, or upper reaches of a false fronted building.

(3) Tenants on upper levels may include wall signs placed on the facade above the ground floor tenant provided the permitted sign area shall be shared with tenant below and the location/design meets the applicable standards in this subsection.

(4) Wall signs may not extend above the building parapet, soffit, the eave line or the roof of the building.

(c) Mounting.

(1) Building signs should be mounted plumb with the building, with a maximum protrusion of one foot unless the sign incorporates sculptural elements or architectural devices.

(2) All individual letter signs shall be installed to appear flush-mounted unless a pin-mounted design is used to accommodate backlit lighting. If the letters are illuminated and require a raceway, the letters shall be installed tight against the raceway, which shall be painted to match the color of the surface to which the raceway is mounted. Where possible, especially on new construction, the raceway should be recessed to allow letters to be flush with the wall surface.

(3) The sign frame shall be concealed or integrated into the building's architectural character in terms of form, color, and materials.

(d) Location. Wall signs may be permitted in Group 1 (nonresidential/noncommercial), Group 2 (residential), and in Group 3 (commercial).

Section 24. A new section FMC 22.26.024 is hereby adopted to read as follows:

22.26.024 Window signs.

Window signs may be used in place of permitted wall signs (except where otherwise specified herein), provided they comply with the following standards:

- (a) Number: One permanent window sign may be placed in a single window
- (b) Area. Window signs are included in the wall sign maximum area limits set forth in Section 22.26.023. In addition, standards and guidelines set forth in FMC 22.64.020 Display Windows apply where applicable.
- (c) Location. Permanent signs shall not be placed in windows above the second story level. For the requirements applicable to temporary window signs, see Section 22.26.021.
- (d) Design. Permanent signs are limited to individual painted or vinyl cut-out letters and graphics, or neon signs constructed without a solid or opaque background. Permanent signs with solid backgrounds or opaque backgrounds are not permitted in windows in order to ensure maximum light and visibility through windows. Temporary window signs are exempt from these design restrictions.
- (e) Location. Window signs may be permitted in Group 1 (nonresidential/noncommercial) and in Group 3 (commercial).

Section 25. A new section FMC 22.26.025 is hereby adopted to read as follows:

22.26.025 Exemptions.

The following are exempt from the permit requirements of this chapter:

- (a) Painting, repainting, cleaning, repairing and other normal maintenance, unless structural or electrical changes are made;
- (b) Temporary signs on private property or public property, meeting the requirements in Section 22.26.021;
- (c) Governmental signs. Signs installed by the city, county, or a federal or State governmental agency for the protection of the public health, safety and general welfare, including, but not limited to, the following:
 - (1) Emergency and warning signs necessary for public safety or civil defense;
 - (2) Traffic and/or wayfinding signs erected and maintained by an authorized public agency;
 - (3) Signs required to be displayed by law;
 - (4) Signs showing the location of public facilities; and
 - (5) Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect the public health, safety and general welfare.
- (d) Temporary signs in windows. Any temporary sign taped or otherwise affixed to the inside of a window, in such a manner as to be easily removed, provided that the total area of such sign in any one window does not exceed the square footage limitations in Section 22.26.024 (Window Signs) and Section 22.26.021 (Temporary Signs);
- (e) Interior signs. Signs or displays located entirely inside of a building and located at least three feet away from transparent doors and windows;
- (f) Vehicle signs. Any sign on a vehicle, unless such vehicle is parked or stationed near an activity for the primary purpose of attracting public attention to such activity, unless such vehicle or mobile unit is regularly parked in any prominently visible location for the primary purpose of attracting public attention to the sign ;

- (g) Changes to the face or copy of changeable copy signs and digital signs, provided such changes do not change the material or appearance of the sign as originally permitted by the city;
- (h) Sculptures, fountains, mosaics, and design features that do not incorporate advertising or identification;
- (i) Any flags, provided that they conform to all provisions of this chapter for signs;
- (j) Building identification numbers as required pursuant to Chapter 12.26 FMC or any other city or State regulation;
- (k) Certain historic and architectural features. Stone or cement plaques and cornerstones with engraved or cast text or symbols and permanently embedded in the building's foundation or masonry siding materials, provided that none of these exceed four square feet in area;
- (l) Signs not intended to be viewed by the public from the street right-of-way that are not visible from adjacent property. Examples include signs located within an enclosed or partially enclosed lobby or courtyard of any building or group of buildings that are designed and located to be viewed exclusively by patrons of such use or uses, and kiosks and other related informational signs that are placed along internal walkways that are designed specifically to be viewed by pedestrians and not intended to function as advertising to motorists on nearby public streets.

Section 26 A new section FMC 22.26.026 is hereby adopted to read as follows:

22.26.026 Prohibited signs.

From and after the effective date of the ordinance codified in this chapter, it is unlawful for any person to maintain, erect or place within the city:

- (a) Animated signs. Rotating or revolving signs, or signs where all or a portion of the sign moves in some manner. This includes any sign animated by any means, including fixed aerial displays, balloons, pennants, spinners, propellers, whirling, or similar devices designed to flutter, rotate or display other movement under the influence of the wind, including flag canopies not otherwise allowed in Section 22.26.014 (Awning, Canopy or Marquee Signs), streamers, tubes, or other devices affected by the movement of air or other atmospheric or mechanical means. This does not include historic signs and historic replica signs where the applicant is able to prove, through documentation or other evidence, that the original historic sign produced the same motion/movement and is proposed in the same location;
- (b) Nuisance signs. Any signs that emit smoke, visible particles, odors and sound;
- (c) Mobile signs, including those attached to or placed upon a vehicle or trailer parked on private or public property. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal course of business;
- (d) Flashing signs or lights. A sign that contains an intermittent or flashing light source, or a sign that includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Flashing light sources are prohibited. Signs with an exposed light source, including clear light bulbs that do not flash on a theater

marquee except for neon incorporated into the design of the sign, are also prohibited. Digital signs are allowed under the provisions of Section 22.26.016;

- (e) Any sign that constitutes a traffic hazard or detriment to traffic safety because of its size, location, movement, content, or method of illumination or that obstructs the vision of drivers or detracts from the visibility of any official traffic control device because it diverts or tends to divert the attention of drivers of moving vehicles away from traffic movement on streets, roads, intersections, or access facilities. No sign shall be erected so that it obstructs the vision of pedestrians, or which by its glare or by its method of illumination constitutes a hazard to traffic. No sign may use words, phrases, symbols or characters in such a manner as to interfere with, mislead, or confuse the steady and safe flow of traffic;
- (f) Any sign or advertising structure or supporting structure that is torn, damaged, defaced or destroyed;
- (g) Abandoned sign, including signs whose face has been removed or is broken and is not refaced within 180 days thereafter. Abandoned signs shall also include signs with rusted, faded, peeled, cracked or otherwise deteriorated materials or finishes that have not been repaired within 90 days after the city provides notice of the sign's deteriorated condition in accordance with Chapter 22.95 FMC;
- (h) Signs attached to utility poles, street lights, fire hydrants, trees, rocks or other natural features except those signs approved as part of a special event permit on city property or banner signs permitted by the city on street lights or utility poles;
- (i) Bench signs greater than one square foot in area;
- (j) Permanent signs on vacant lots, parcels or easements. No permanent sign shall be located on a vacant lot, parcel or easement. No permanent sign shall be located on a lot, parcel or easement as the principal use of that lot, parcel or easement. Signs may only be established as an accessory use to a principally permitted use;
- (k) Roof signs, including signs painted directly on the roof surface; and
- (l) Signs that may impede free ingress and egress from any door, window or exit way required by building and fire regulations;

Section 27. A new section FMC 22.26.027 is hereby adopted to read as follows:

22.26.027 Liability.

This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, building, altering, constructing, removing or moving any sign in the city. For damages to anyone injured or damaged either in person or in property by any defect therein; the city, or any agent thereof, shall not be held as assuming such liability by reason of permit or of inspection authorized herein or of certificate of inspection issued by the city or any of its agents.

Section 28. Ordinance 1322 §4 and FMC 22.64.041 are hereby repealed.

Section 29. A new section FMC 22.98.114.1 is hereby adopted to read as follows:

22.98.114.1 Building elevation.

“Building elevation” means the visible vertical plane of the side of a building from ground level to the roof line.

Section 30. A new section FMC 22.98.114.2 is hereby adopted to read as follows:

22.98.114.2. Building façade.

“Façade” means the elevation of a building extending from the ground level up to the bottom of the fascia on a pitched roof building, and up to the top of the wall or parapet on a flat roof building. The area of a building façade for purposes of calculating allowable wall signage includes the area of the windows and doors but excludes openings that do not have solid coverings, such as breezeways, colonnades and gateways that extend through, or to the backside of, the building.

Section 31. A new section FMC 22.98.114.3 is hereby adopted to read as follows:

22.98.114.3. Building fascia.

“Building fascia” means any flat horizontal member or molding with little projection, or any relatively narrow vertical surface (frieze) or board under a roof edge or which forms the outer surface of a cornice, visible to an observer.

Section 32. A new section FMC 22.98.114.4 is hereby adopted to read as follows:

22.98.114.4 Building frontage.

“Building Frontage” means the ground floor horizontal distance of a building or portion thereof occupied by a tenant. Building frontage shall only be measured along a ground floor wall that has a customer entrance that faces and has access onto a public open space, such as a courtyard or plaza; or is adjacent to a public street, or adjacent to a driveway or parking lot that serves that use. If any building frontage does not consist of one straight line, the frontage of any offset portion shall be projected, for computation purposes, to the extension of the line of the most forward face of the building.

Section 33. A new section FMC 22.98.286.1 is hereby adopted to read as follows:

22.98.286.1 Flag.

“Flag” means a piece of cloth, attached to a staff, with distinctive colors, patterns or symbols, used as a national or state symbol.

Section 34. A new section FMC 22.98.286.2 is hereby adopted to read as follows:

22.98.286.2 Flag canopy.

“Flag canopy” means a line of flags, or a series of lines of flags, suspended above a site.

Section 35. Ordinance 1375 §9 and FMC 22.98.299 are hereby amended to read as follows:

22.98.299 Frontage.

“Frontage” means the property line of an individual lot, tract or parcel that abuts a public or private street right-of-way, excluding alleys and private driveways. The number of frontages on a lot is the same as the number of public or private street rights-of-way that the lot abuts.

Section 36. A new section FMC 22.98.322 is hereby adopted to read as follows:

22.98.322 Grade, natural.

“Grade, natural” means the topographic condition or elevation of a site or portion of a site over the past five years, or the finished grade of an approved site development plan. Changes to grade or elevation resulting from fill, mounding or berming within five years preceding any requested permit other than a site development plan shall not be considered natural grade for permitting purposes.

Section 37. A new section FMC 22.98.332 is hereby adopted to read as follows:

22.98.332 Halo illuminated.

“Halo illuminated” means a light source placed behind totally opaque letter or symbol so that the light reflects off the wall or background to which the letters or symbols are mounted rather than emanating through the letters or symbols, creating a halo effect that leaves the letters or symbols viewable in silhouette form only.

Section 38. A new section FMC 22.98.437.1 is hereby adopted to read as follows:

22.98.437.1 Luminance.

“Luminance” means the photometric quality most closely associated with the perception of brightness. Luminance is measured in candelas per square meters or “nits.”

Section 39. A new section FMC 22.98.437.2 is hereby adopted to read as follows:

22.98.437.2 Mansard.

“Mansard” means a roof with two slopes on each side of the four sides, the lower steeper than the upper.

Section 40. Ordinance 1322 §10 and FMC 22.98.441 are hereby amended to read as follows:

22.98.441 Marquee.

“Marquee” means a permanent structure attached to, supported by, and projecting from a building and providing protection from the elements.

Section 41. A new section FMC 22.98.441.1 is hereby adopted to read as follows:

22.98.441.1 Master sign plan.

“Master Sign Plan” means a coordinated sign plan that includes the details of all signs (not including exempt or temporary signs) that are or will be placed on a site.

Section 42. A new section FMC 22.98.461 is hereby adopted to read as follows:

22.98.461 Motion.

“Motion” means the depiction of movement or change of position of text, images or graphics. Motion shall include, but not be limited to, visual effects such as dissolving and fading text and images, running sequential text, graphic bursts, lighting that resembles zooming, twinkling or sparkling, changes in light or color, transitory bursts of light intensity, moving patterns or bands of light, expanding or contracting shapes and similar actions.

Section 43. A new section FMC 22.98.467 is hereby adopted to read as follows:

22.98.467 Night-time hours.

“Night-time hours” means from one-half hour before sunset to one-half hour after sunrise.

Section 44. A new section FMC 22.98.467.1 is hereby adopted to read as follows:

22.98.467.1 Nits.

“Nits” means a unit of measure of brightness or luminance. One nit is equal to one candela/square meter.

Section 45. A new section FMC 22.98.469 is hereby adopted to read as follows:

22.98.469 Nonresidential.

“Nonresidential zone” means, in the context of Chapter 22.26 FMC, any zone that does not include residential dwelling units except for mixed use zoning districts where residential units are located above or behind nonresidential uses and the ground floor streetscape is characterized by commercial and other nonresidential uses.

Section 46. A new section FMC 22.98.476.05 is hereby adopted to read as follows:

22.98.476.05 Opaque.

“Opaque” means a material that does not transmit light from an internal illumination source.

Section 47. Ordinance 1322 §13 and FMC 22.98.506 are hereby amended to read as follows:

22.98.506 Parapet.

“Parapet” means a protective wall or barrier projecting above any canopy, balcony or roof.

Section 48. A new section FMC 22.98.581 is hereby adopted to read as follows:

22.98.581 Raceway.

“Raceway” means a box-type conduit to house electrical wires for signs and used to support and/or affix signage on a wall.

Section 49. Ordinance 1375 §38 and FMC 22.98.610 are hereby amended to read as follows:

22.98.610 Roadway.

“Roadway” means that portion of the street improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalks and shoulder. Where there are curbs, the roadway is the curb to curb width of the street.

Section 50. Ordinance 1375 §39 and FMC 22.98.611 are hereby amended to read as follows:

22.98.611 Roofline.

“Roofline” means the uppermost edge of the roof or the top of the parapet, excluding mechanical equipment screens, whichever is highest. Where a building has several roof levels, the roof line shall be the one belonging to that portion of the building on which the sign is located.

Section 51. Ordinance 1322 §21 and FMC 22.98.648 are hereby amended to read as follows:

22.98.648 Sign.

“Sign” means letters, figures, symbols, trademarks, or logos, with or without illumination, intended to identify any place, subject, person, firm, business, product, article, merchandise or point of sale. A sign also includes balloons attached to sign structures, products, streamers, spinners, pennants, flags, inflatables or similar devices intended to attract attention to a site or business, as well as architectural or structural forms, illuminated panels, spandrels, awnings and other structural or architectural features not common to classic vernacular or non-corporate regional architecture and that are intended to convey a brand, message or otherwise advertise a location or product, whether or not such features include text or graphics and whether or not they serve other practical purposes such as lighting, covering or enclosure of persons or products. A sign includes any device which streams, televises or otherwise conveys electronic visual messages, pictures, videos or images, with or without sound or odors. Refer to FMC 22.26.026 for a list of prohibited signs.

Section 52. Ordinance 1322 §22 and FMC 22.98.648.1 are hereby amended to read as follows:

22.98.648.1 Sign, abandoned.

“Sign, abandoned” means a sign, the face of which has been removed or is broken and is not refaced within 180 days thereafter. Abandoned signs shall also include signs with rusted, faded, peeled, cracked or otherwise deteriorated materials or finishes that have not been repaired within 90 days after the City provides notice of the sign’s deteriorated condition under FMC 22.26.009.

Section 53. Ordinance 1322 §23 and FMC 22.98.648.2 are hereby amended to read as follows:

22.98.648.2 Sign, accessory.

“Sign, Accessory” means a permanent, free standing or building mounted sign of limited height and size that provides supplemental opportunity for free standing or building mounted signage on a site.

Section 54. Ordinance 1322 §24 and FMC 22.98.648.3 are hereby amended to read as follows:

22.98.648.3 Sign alteration.

“Sign alteration” means a change to the copy, color, size, shape, illumination, position, location, construction or supporting structure of a sign, not including ordinary maintenance.

Section 55. Ordinance 1322 §25 and FMC 22.98.648.4 are hereby amended to read as

follows:

22.98.648.4 Sign area.

“Sign area” means the smallest square, rectangle, parallelogram or circle that will enclose the extreme limits of writing, representation, logo, or any figure of similar character, together with any frame, background area, structural trim, or other materials or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The supports or uprights on which any such sign is supported shall not be included in determining the sign area. The area of signs with two faces shall be considered to be the area of the largest face. The area of signs with three or more faces shall be considered to be the area of the largest face or 1/2 the area of all of the faces, whichever is less. For sign copy that has varying sizes of letters or graphics, the sign area may be calculated by combining two or more geometric shapes.

Section 56. Ordinance 1322 §26 and FMC 22.98.648.5 are hereby amended to read as follows:

22.98.648.5 Sign, awning, canopy or marquee.

“Sign, Awning, Canopy or Marquee sign” means a sign affixed to or imprinted on a temporary shelter or a permanent architectural projection, such as an awning, canopy or marquee, composed of rigid or non-rigid materials on a supporting framework, affixed to the exterior wall of a building, extending over a door, entrance, window or outdoor service area.

Section 57. Ordinance 1322 §27 and FMC 22.98.648.6 are hereby amended to read as follows:

22.98.648.6 Sign, changeable copy.

“Sign, changeable copy” means a sign or portion thereof that is designed to have its message or copy readily changed manually or by remote or automatic means without altering or replacing the face or surface. Changeable copy signs support hard-copy text or graphics and do not use digital or electronic text or images.

Section 58. Ordinance 1322 §28 and FMC 22.98.648.7 are hereby amended to read as follows:

22.98.648.7 Sign, digital.

“Sign, digital” means a changeable copy sign with monochrome LED (light emitting diodes) text, graphics or symbols over a black, non-illuminated background.

Section 59. Ordinance 1322 §29 and FMC 22.98.648.8 are hereby repealed.

Section 60. Ordinance 1322 §30 and FMC 22.98.648.9 are hereby repealed.

Section 61. Ordinance 1322 §31 and FMC 22.98.648.10 are hereby amended to read as follows:

22.98.648.10 Sign, flashing.

“Sign, flashing” means an electrical sign or portion thereof, except electronic message center signs, that changes light intensity in a sudden transitory burst, or that switches on and off in a constant pattern in which more than one-third of the non-constant light source is off at any one time., random, or irregular pattern or contains motion or the optical illusion of motion by use of electrical energy.

Section 62. Ordinance 1322 §32 and FMC 22.98.648.11 are hereby amended to read as follows:

22.98.648.11 Sign, freestanding.

“Sign, freestanding” means a sign and its support pole or base standing directly on the ground that is independent from any building or other structure.

Section 63. Ordinance 1322 §33 and FMC 22.98.648.12 are hereby repealed.

Section 64. Ordinance 1322 §34 and FMC 22.98.648.13 are hereby amended to read as follows:

22.98.648.13 Sign height.

“Sign height” means the vertical distance measured from the adjacent grade at the base of the sign support to the highest point of the sign or sign structure.

Section 65. Ordinance 1322 §35 and FMC 22.98.648.14 are hereby repealed.

Section 66. Ordinance 1322 §36 and FMC 22.98.648.15 are hereby amended to read as follows:

22.98.648.15 Sign, monument.

“Sign, monument” means a freestanding low profile sign designed with a solid base and background consistent with FMC 22.26.017(b).

Section 67. Ordinance 1322 §37 and FMC 22.98.648.16 are hereby amended to read as follows:

22.98.648.16 Sign, neon.

“Sign, neon” means a sign with illumination affected by a light source consisting of a neon or other gas tube which is bent to form letters, symbols or other shapes.

Section 68. Ordinance 1322 §38 and FMC 22.98.648.17 are hereby amended to read as follows:

22.98.648.17 Sign, nonconforming.

“Sign, nonconforming” means any sign, which at one time conformed to all applicable requirements and standards of Chapter 22.26 FMC, including all permit requirements, but which subsequently ceased to so conform due to changes in such requirements and standards.

Section 69. Ordinance 1322 §39 and FMC 22.98.648.18 are hereby amended to read as follows:

22.98.648.18 Sign, pan channel.

“Sign, pan-channel” means a sign graphic that is constructed of a three-sided metal channel, usually having a light source contained within the channel. The open side may face inward, resulting in silhouette lighting, or it may face outward to allow full illumination. The open side of the channel may be enclosed with a translucent material.

Section 70. Ordinance 1322 §40 and FMC 22.98.648.19 are hereby amended to read as follows:

22.98.648.19 Sign, permanent.

“Sign, Permanent” means a sign constructed of weather resistant material and intended for permanent use and that does not otherwise meet the definition of “temporary sign.” Wall mounted sign holders designed for insertion of signs and posters shall be considered permanent signage and subject to all standards of this chapter.

Section 71. Ordinance 1322 §41 and FMC 22.98.648.20 are hereby amended to read as follows:

22.98.648.20 Sign, pole mounted.

“Sign, pole mounted” means a sign mounted on a weighted base, intended to be movable.

Section 72. Ordinance 1322 §42 and FMC 22.98.648.21 are hereby amended to read as follows:

22.98.648.21 Sign, portable.

“Sign, portable” means a free-standing sign that is readily moveable and not permanently affixed to the ground, including A-frame or sandwich board signs, pole signs mounted on weighted bases, and similar signs that are used on more than a temporary basis.

Section 73. Ordinance 1322 §43 and FMC 22.98.648.22 are hereby repealed.

Section 74. Ordinance 1322 §44 and FMC 22.98.648.23 are hereby amended to read as follows:

22.98.648.23 Sign, projecting.

“Sign, projecting” means a sign attached to a building with the face not parallel to the vertical surface of the building. Projecting signs include signs projecting directly from walls, or signs hanging from porch ceilings or other support structures.

Section 75. Ordinance 1322 §45 and FMC 22.98.648.24 are hereby repealed.

Section 76. Ordinance 1322 §46 and FMC 22.98.648.25 are hereby repealed.

Section 77. Ordinance 1322 §47 and FMC 22.98.648.26 are hereby repealed.

Section 78. Ordinance 1322 §49 and FMC 22.98.648.28 are hereby amended to read as follows:

22.98.648.28 Sign, roof mounted.

“Sign, roof mounted” means a sign that has a point of attachment to the roof or mansard of a building. Architectural projections, including mechanical equipment screens, above any parapet or roof line whose sole function is a background for signs shall be considered a sign structure. A sign on such an architectural projection shall be considered a roof mounted sign.

Section 79. Ordinance 1322 §51 and FMC 22.98.648.30 are hereby amended to read as follows:

22.98.648.30 Sign, service island.

“Sign, service island” means a permanent sign displayed on the service island canopy, spandrel or island spanner of a service station.

Section 80. Ordinance 1322 §52 and FMC 22.98.648.31 are hereby amended to read as follows:

22.98.648.31 Sign, special event.

“Sign, special event” means temporary signs or advertising displays or a combination thereof that advertises or attracts public attention to a special one-time event.

Section 81. Ordinance 1322 §53 and FMC 22.98.648.32 are hereby amended to read as follows:

22.98.648.32 Sign, temporary.

“Sign, temporary” means any sign that is used temporarily and is not permanently mounted, painted or otherwise affixed, excluding portable signs as defined by this Chapter, including any poster, banner, placard, feather sign, stake sign or sign not placed in the ground with concrete or other means to provide permanent support, stability and rot prevention. Temporary signs may only be made of non-durable materials including, but not limited to, paper, corrugated board, flexible, bendable or foldable plastics, foamcore board, vinyl canvas or vinyl mesh products of less than 20 oz. fabric, vinyl canvas and vinyl mesh products without polymeric plasticizers, and signs painted or drawn with water soluble paints or chalks. Signs made of any other materials shall be considered permanent and are subject to the permanent sign regulations of this Chapter.

Section 82. Ordinance 1322 §54 and FMC 22.98.648.33 are hereby amended to read as follows:

22.98.648.33 Sign, Under-canopy.

“Sign, under-canopy” means a sign that is placed under an awning, marquee or canopy, and is placed perpendicular to the storefront so that it oriented to pedestrians on a sidewalk or an internal walkway.

Section 83. Ordinance 1322 §55 and FMC 22.98.648.34 are hereby amended to read as follows:

22.98.648.34 Sign, wall.

“Sign, wall” means a sign that is attached parallel to or painted on a wall, including parapet or canopy fascia, or a building.

Section 84. A new section FMC 22.98.648.35 is hereby adopted to read as follows:

22.98.648.35 Sign width.

“Sign width” means the total horizontal dimension of a sign, including all frames or structures.

Section 85. A new section FMC 22.98.648.36 is hereby adopted to read as follows:

22.98.648.36 Sign, window.

“Sign, window” means a sign that is attached to or is intended to be seen in, on or through a window of a building and is visible from the exterior of the window.

Section 86. A new section FMC 22.98.652 is hereby adopted to read as follows:

22.98.652 Site.

“Site” means a unit of land, together with all improvements thereon, determined as follows:

A unit of land that may be conveyed separately from any and all adjacent land without the requirement of approval of a boundary line adjustment, short plat or a preliminary plat. Two or more buildings or business activities that are or will be related to each other physically or architecturally, such as by sharing off-street parking facilities, so as to form an integrated development, such as a shopping center, industrial park, or office complex.

Section 87. A new section FMC 22.98.658.1 is hereby adopted to read as follows:

22.98.658.1 Spandrel.

“Spandrel” means a panel or box-type structure that spans between and/or is connected to the support columns of a porch, colonnade or canopy, usually for architectural embellishment and/or signage purposes.

Section 88. Ordinance 1246 §27 and FMC 22.98.687 are hereby amended to read as follows:

22.98.687 Street right-of-way.

“Street right-of-way” means the strip of land platted, dedicated, condemned, established by prescription or otherwise legally established for the use of pedestrians, vehicles or utilities.

Section 89. A new section FMC 22.98.698 is hereby adopted to read as follows:

22.98.698 Tenant space.

“Tenant space” means the entire building which encompasses a building or use on a site; or in buildings designed for multi-tenant occupancy, it is the space between demising walls and which has an independent entrance to common corridors or to the outside. Portions of tenant spaces that are sublet to or otherwise allowed to be used by persons or businesses other than the principle person or business of a tenant space are not considered tenant spaces in the context of this chapter.

Section 90. A new section FMC 22.98.715 is hereby adopted to read as follows:

22.98.715 Unshielded lighting.

“Unshielded lighting” means an external illumination source which is exposed to view.

Section 91. A new section FMC 22.98.760 is hereby adopted to read as follows:

22.98.760 Window.

“Window” means the entire window unit including individual sashes or panes that might otherwise divide the area between the head, jamb and sill; except that in commercial storefront window assemblies, a single “window” is the glass area between each mullion that divides the window assembly, whether installed as a single piece of glass or as multiple pieces of glass divided by muntins.

Section 92. Severability. If any section, sentence, clause or phrase of this title shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this title.

Section 93. Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the city. This ordinance shall be effective five (5) days after such publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON,
at a regular meeting thereof this 23rd day of May 2017.

APPROVED:

Matthew Jolibois, Mayor

ATTEST:

Lisa Keely, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

Publication Date: May 26, 2017

Effective Date: May 31, 2017

Staff Suggestion #1 Nonconforming signs

FMC 22.26.00814 Nonconforming signs.

(a) Except for temporary signs, limited duration signs, and incidental signs, as defined herein, signs legally established prior to the adoption of this chapter that do not conform with the regulations provided herein with regard to type, number, size, height, illumination, or location or other characteristics of signs shall be allowed to remain as legal nonconforming signs until the sign is removed, moved or structurally or electrically changed, except such signs must be brought into conformance with this chapter:

- (1) When a building, tenant **space** or property containing a legal nonconforming sign is enlarged or remodeled to a value of 25 percent or more of existing assessed valuation of real property improvements;
- (2) When the use of a building, tenant **space** or property containing a legal nonconforming sign changes from one type of business or other tenancy to another type of business or other tenancy;
- (3) ~~When a new business or other tenancy is established~~ Within 90 days after a building, tenant **space** or property containing a legal nonconforming sign is vacated ~~for a period exceeding 90 days~~; or
- (4) When an existing business containing a legal nonconforming sign changes ownership.

~~(b)~~ Nonconforming multi-tenant signs located in a multi-tenant center are not required to be brought into conformance with this chapter per subsection (a) above until: (1) the multi-tenant center is enlarged or remodeled to a value of 25 percent or more of existing assessed valuation of real property improvements; (2) the multi-tenant center or multi-tenant sign is vacated for a period exceeding 90 days; or (3) the property changes ownership.

~~(bc)~~ In such cases where a nonconforming sign is moved or changed, the sign shall be treated as a new sign and subject to the requirements of this chapter. Changes to a sign face (e.g., a change in advertising copy) may be made to a nonconforming sign; provided, that such changes conform to this chapter in terms of colors, graphics, materials, illumination and other applicable standards. A sign permit for such changes must be obtained.

~~(ed)~~ Temporary signs, that do not conform with the regulations provided herein with regard to type, number, size, height, illumination, or location of signs, shall be brought into conformance with all applicable standards no later than 90 days from the effective date of the ordinance codified in this chapter.

Staff Suggestion #2 Window Sign Area

Replace...

FMC 22.26.024(b) Area. Window signs are included in the wall sign maximum area limits set forth in Section 22.26.023. In addition, standards and guidelines set forth in FMC 22.64.020 Display Windows apply where applicable.

With...

FMC 22.26.024(b) Area. Maximum four square feet or 10 percent of the area of the window in which they are placed, whichever is greater (temporary and permanent window signs combined).

These area limits apply to individual windows or to window units separated from another window or window unit by a pier, column or other substantial architectural element. These limits do not apply to uses providing commercial services located within a CMU zone located at least 150 feet from a public or private street.

FIRCREST CITY COUNCIL AGENDA SUMMARY

COUNCIL MEETING DATE: May 23, 2017

SUBJECT: Resolution designating voting delegate for the annual business meeting at the 2017 AWC Annual Conference

FROM: Fircrest City Council

Reviewed by: _____City Manager _____Finance Director _____City Attorney

RECOMMENDED MOTION: I move to adopt Resolution No. _____ designating Mayor Jolibois as voting delegate from the City of Fircrest for the annual business meeting at the 2017 AWC Annual Conference

PROPOSAL: Council is being requested to adopt a resolution to designate Mayor Jolibois as voting delegate. The AWC Bylaws provide for members to propose amendments for action at the business meeting. Fircrest should have representation at the business meeting.

FISCAL IMPACT: There is no fiscal impact to designate voting delegates.

ADVANTAGES: Fircrest will be able to participate in any amendments proposed.

DISADVANTAGES: None.

ALTERNATIVES: None that are feasible.

HISTORY: The City has attended the conference and has participated in the past.

Attachments: Resolution

**CITY OF FIRCREST
RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON DESIGNATING MAYOR
MATTHEW JOLIBOIS AS VOTING DELEGATE AT THE
2017 AWC ANNUAL CONFERENCE**

WHEREAS, Mayor Matthew Jolibois will be attending the 2017 Association of Washington Cities Annual Conference from June 20 through June 23, 2017; and

WHEREAS, AWC has requested the City of Fircrest designate voting delegates; and

WHEREAS, the City of Fircrest finds it advantageous to participate in the annual AWC business meeting on Thursday, June 22, 2017; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:

Section 1. The City of Fircrest does hereby designate Mayor Matthew Jolibois as voting delegate from the City of Fircrest for the business meeting at the 2017 Association of Washington Cities (AWC) Annual Conference.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON**, at a regular meeting thereof this 23rd day of May 2017.

APPROVED:

Matthew Jolibois, Mayor

ATTEST:

Lisa Keely, City Clerk

APPROVED AS TO FORM:

Michael Smith, City Attorney

FIRCREST CITY COUNCIL AGENDA SUMMARY

COUNCIL MEETING DATE: May 23, 2017

SUBJECT: Motion authorizing the Interim City Manager as signer for the Columbia Bank Accounts effective May 27, 2017

FROM: Finance Director Corcoran

Reviewed by: _____City Manager _____Finance Director _____City Attorney

RECOMMENDED MOTION: I move to authorize Interim City Manager “_____” as the signer, and remove Rick Rosenblatt as the signer, for the Columbia Bank Accounts effective May 27, 2017

PROPOSAL: Council is being asked to adopt a motion authorizing Interim City Manager _____ as the signer for the Columbia Bank accounts due to the separation of service of City Manager Rick Rosenblatt on May 26, 2017.

FISCAL IMPACT: There is no fiscal impact to authorize the signer for the Columbia Bank accounts.

ADVANTAGES: Fircrest will be able to continue authorizing payroll, partial grant payments, contracts, and invoices.

DISADVANTAGES: None.

ALTERNATIVES: None that are feasible.

HISTORY: The City has authorized a signer for the accounts since incorporation.